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DEFENSE ENVIRONMENTAL RESPONSE TASK FORCE

12

PUBLIC COMMENT PERIOD

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FEBRUARY 2, 1999

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1 TASK FORCE MEMBERS:

2 MS. KARLA PERRI  
3 Assistant Deputy Under Secretary of  
4 Defense, U.S. Department of Defense;

4 MR. STAN PHILLIPPE  
5 California Environmental Protection  
6 Agency;

6 MR. WILLIAM D. GRAY  
7 The Environment and Energy Study  
8 Institute;

8 MR. BRIAN K. POLLY  
9 Assistant Commissioner  
10 U.S. General Services Administration

10 MR. J. STEVEN ROGERS  
11 Acting Counsel for State and Local  
12 Affairs, Environment and Natural  
13 Resources Division, United States  
14 Department of Justice;

13 MR. JIM WOOLFORD  
14 U.S. Environmental Protection Agency;

14 MR. THOMAS EDWARDS  
15 State Attorney General's Office,  
16 State of Texas;

16 GEN. MILTON G. HUNTER  
17 U.S. Army Corps of Engineers;

18 MR. PAUL O. REIMER  
19 Reimer Associates  
20 Representative of the Urban Land  
21 Institute;

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7 MR. CHOUDHURY: Please take your  
8 seats. Please take your seats so that we can  
9 start with the public comment period for the  
10 Defense Environmental Restoration Task Force  
11 meeting. Thank you.

12           Before we -- Before we start with the  
13 public comment, I need to make some  
14 administrative announcements -- if you could  
15 take your seats -- please take your seats.

16           Please take your seats. Please take your  
17   seats. Please take your seats so that the  
18   public comment period can come to order.

19           This meeting of the Defense Environmental  
20 Response Task Force is an open meeting being  
21 held in compliance with the regulations of the  
22 Federal Advisory Committee Act. For the  
23 record, a quorum of Task Force members is  
24 present.

25       Very shortly, we will begin the first of

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1 two public comment periods at this meeting.  
2 The purpose of this public comment period is to  
3 provide an opportunity for members of the  
4 public to provide input to the Task Force  
5 members on the issues that they are  
6 considering. Each Task Force member will be  
7 given a copy of all statements made both  
8 verbally during the public comment sessions and  
9 those that are received in writing.

10 Anybody desiring to speak to the DERTF  
11 during this session should fill out one of the  
12 purple cards at the information table right  
13 outside the door and provide them to me, if  
14 they have not already done so. Any additional  
15 written material that you would like to submit  
16 for the public record should be given to me,  
17 also.

18 At this point, I will turn the floor over  
19 to Ms. Perri to make some introductory  
20 remarks.

21 MS. PERRI: Okay. Thank you. If  
22 everyone could take a seat, I'd like to get  
23 started.

24 I appreciate everyone for coming out  
25 tonight. I -- Can you hear me? I appreciate

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1 everyone for coming out tonight and, again, for  
2 working with us in an orderly fashion so that  
3 we can hear all of your comments.

4 Behind you, though -- I would like to call  
5 your attention to the bank of computers set up  
6 behind you and -- that is where you can get  
7 information about this meeting, all the  
8 presentations that are taking place at this  
9 meeting, the other materials prepared.  
10 Anything we have received today will be posted  
11 later and we encourage you to provide your  
12 written comments.

13 We have a homepage. We have a web site  
14 and we are available to you. The DERTF is an  
15 occasional event. We like getting out to meet  
16 everyone, but we can't do that as often as we'd  
17 like and, so, we'd like you to learn how to  
18 communicate with us through computer.  
19 Of course, we take letters, we take phone  
20 calls, we take faxes, but we're starting now,  
21 as we receive any kind of written comment, to  
22 put it on the web.

23 Right now, Shah, you have a list of about  
24 30 -- 40 people -- or so there? How many  
25 cards?

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1 MR. CHOUDHURY: Not that many, but --

2 MS. PERRI: Okay.

3 MR. CHOUDHURY: -- but enough.

4 MS. PERRI: Okay. But enough? Okay.

5 This is what I'd like to do -- We're going to  
6 stick with this format. Each commentor will  
7 come before the advisory board. Please state  
8 your name and affiliation. You're going to  
9 have five minutes in total. So, you're going  
10 to -- I would encourage you to keep your  
11 comments brief so that we have an opportunity  
12 for the members to interact with you. We're  
13 going to ask everybody to move along after five  
14 minutes and, then, if we've gotten through  
15 everybody by the -- closing time -- or before  
16 the closing time, then those that needed to  
17 speak a little longer or didn't get enough  
18 time, we'll ask you to come back -- and, as  
19 Shah mentioned, we have a comment period  
20 tomorrow night, as well. We are going to end  
21 on time tonight since we do have another  
22 comment period tomorrow night, but if there is  
23 someone who is only here for one night, please  
24 let me know that so that we make sure you get a  
25 chance to speak.

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1 I'd just ask if anybody else has anything  
2 brief to say before starting and -- Don, I'll  
3 turn to you. Jim? Thomas? Anyone?

4 Okay, Shah. Why don't we call the first  
5 person?

6 MR. CHOUDHURY: I will be calling  
7 people up one by one from the cards that I've  
8 been given. Each person -- we ask that you  
9 limit your oral remarks to about five minutes.  
10 Colonel John Selstrom sitting next to the  
11 podium is going to have a stopwatch that has  
12 the time. This is so that everybody has -- is  
13 afforded the opportunity to provide remarks to  
14 the Task Force. It is also very important so  
15 that everybody can hear what is being said,  
16 especially our court reporter, that you use the  
17 mikes -- speak into the mikes. I also ask that  
18 when you come up to speak to state your name  
19 and affiliation.

20 The first name that I have is  
21 Mr. Robert Kanter. If you could come up to the  
22 podium to make your remarks --

23 MS. PERRI: Can I just also ask  
24 everyone in the back of the room to please sit  
25 down -- and if you have -- need to have a

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1 private conversation, please go out into the  
2 hall so we can hear.

3 Thank you.

4 MR. KANTER: Good evening. My name  
5 is Bob Kanter. I'm Assistant Director of  
6 Planning for the Port of Long Beach, also  
7 Manager for Environmental Planning at the Port  
8 and I want to thank you for the opportunity to  
9 provide some observations on the base closure  
10 process. Although most of my comments are  
11 derived from our experience in the City of  
12 Long Beach, in particular with the Long Beach  
13 Naval Complex, I believe that my comments are  
14 applicable to other sites around the  
15 United States.

16 I'm sure I don't need to tell you that the  
17 base closure process is painful. It's painful  
18 for the displaced military personnel. It's  
19 very painful for civilian employees of the  
20 military and it's particularly painful for the  
21 city where the closure takes place.

22 In Long Beach, the closure of the complex  
23 cost us about 21,000 civilian and military  
24 jobs. It represented a loss to the local  
25 economy of about 1.1 billion annually and



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1 that's a significant hit for any city. Part of  
2 the pain of closure can be overcome, though, if  
3 we expeditiously implement a local reuse plan.  
4 Long Beach embarked on this complex and tedious  
5 process as soon as we were notified that  
6 Department of Defense had made its decision on  
7 closure. However, we still have a long way to  
8 go in this process and we've been working on it  
9 for several years now.

10 An important component of this process and  
11 the one that is within your purview is the  
12 resolution of environmental issues. The  
13 environmental process is complicated and  
14 time-consuming and it is often uncertain,  
15 particularly at the outset when we don't know  
16 the full range of environmental problems that  
17 are on a site. Because of these unknowns, it  
18 is impossible to fully define the cost or the  
19 time necessary to reach closure. The unknowns  
20 could and often do delay future reuse. Such  
21 delays not only prolong the pain of disclosure,  
22 but can also significantly impact the economic  
23 recovery and, often, the viability of a local  
24 entity, if we do not move expeditiously on this  
25 process. If one considers the process and this

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1 aspect alone, it would be enough reason to  
2 expedite every single base closure from an  
3 environmental perspective and I think that's  
4 very, very important to take note of.

5 But additional compelling reasons to  
6 expedite the environmental process become  
7 evident if one considers site-specific needs  
8 during the reuse. For example, in our case,  
9 the Port of Long Beach has -- needs to take  
10 advantage of a window of opportunity to sign  
11 tenants to multi-year leases for reuse of the  
12 developed land. If we don't take advantage of  
13 that window of opportunity, we could lose it.  
14 It is often said that timing is everything.  
15 This statement is particularly true in the port  
16 business since port tenants sign leases for  
17 periods of from 10 to 30 years. If we miss  
18 that opportunity, we may have permanently lost  
19 a tenant and that's very, very important to us  
20 in Long Beach. We have worked very closely  
21 with the Navy and environmental regulatory  
22 personnel on the Long Beach closure. The  
23 Department of Toxic Substances, Regional Water  
24 Quality Control Board and EPA have been working  
25 very closely with us and cooperatively, I might

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1 add, on this closure process. We have had very  
2 good support from our local RAB.

3 We have worked hard to clear as much of  
4 the surface land as possible, and up to this  
5 date, we've only been able to clear less than  
6 70 percent and we still have some environmental  
7 problems even on those areas. The Port is  
8 currently negotiating with a tenant whose land  
9 requirements far exceed the land we currently  
10 have cleared for reuse. Planning and  
11 construction horizons that we need require us  
12 to reach agreement now so that we can make some  
13 commitments. We want to make sure that the  
14 additional land that the tenant requires will  
15 be available when they need it. From an  
16 environmental perspective, this means that we  
17 must be confident that the Navy and the  
18 regulatory agencies will have the resources  
19 that they need to process the remedial  
20 investigation documentation and to implement  
21 any needed remedies. Only if the resources are  
22 made available will the Navy and the regulatory  
23 agencies be able to conduct the necessary  
24 activities in an expedited manner that will  
25 allow us to take advantage of this window of

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1 opportunity.

2 I want to emphasize how critical to the  
3 base closure process it is to fund those  
4 activities. Adequate resources for all parties  
5 involved, especially the Navy and the agencies,  
6 will allow the process to continue and enable  
7 us to meet our important milestones for reuse.  
8 This is absolutely essential if we want local  
9 reuse to be successful. I ask you to take one  
10 important message back with you. Time is truly  
11 money. The faster that we can complete the  
12 environmental restoration process, the faster  
13 that we can put the land back into productive  
14 use, it will be better for the environment and  
15 for the local economy.

16 Thank you.

17 MS. PERRI: Thank you. Anybody have  
18 a question?

19 Okay. Shah?

20 MR. GRAY: Just to clarify, is it  
21 basically a need for assurance of funding? Is  
22 that the primary problem?

23 MR. KANTER: Funding is definitely  
24 the bottom line. I mean, you talk about  
25 personnel being able to be dedicated, that

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1 relates to funding.

2 MR. GRAY: But you're not having  
3 problems on reaching agreement about what's  
4 necessary and so on? It's a matter of making  
5 sure that money is going to be there when it's  
6 needed?

7 MR. KANTER: Exactly. The process,  
8 if you expedite it, is what causes the  
9 problem. Because we budget for certain  
10 upcoming years and you may encounter a problem  
11 that you didn't anticipate, so it's not in your  
12 budget and, yet, you need to deal with it, from  
13 our perspective, now, not a year from now or  
14 two years from now, and I think from the  
15 environmental perspective, that's also prudent.

16 MR. GRAY: Thank you.

17 MR. CHOUDHURY: Mr. Patrick Lynch?  
18 If I could remind everybody, please speak  
19 into the mike and one person at a time, please.

20 MR. LYNCH: Hi. My name is  
21 Patrick Lynch. I am a professional engineer  
22 with Clearwater Revival located in Alameda,  
23 California. I live approximately 200 feet away  
24 from the now closed Alameda Point Naval Air  
25 Station and I would like to share with you some

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1 experts from some RAB meeting minutes that I  
2 think will adequately illustrate my concerns.  
3 "A community member announced that he has  
4 taken the time to analyze results of all 214  
5 environmental baseline surveys. He related  
6 that an area with a documented cancer risk of  
7 ten to the minus two is still accessible to the  
8 public. He noted samples were collected two  
9 years ago and he believes it would have been  
10 appropriate to restrict access upon discovery  
11 of this potential problem. He reported that  
12 soccer games take place in the area and he has  
13 seen city work crews there. The area is a  
14 public park in the Coast Guard housing area,  
15 Parcel 182. The same member of the community  
16 expressed concerns that people may have been  
17 exposed to radioactive anomalies on the base."  
18 I now understand that in addition to  
19 radioactive anomalies, this area that was made  
20 accessible to the public also contained 335  
21 live 20 millimeter rounds of high explosives.

22 "Patrick Lynch stated his concern that a  
23 copy of the OU-1 RI document was two weeks late  
24 in being placed in the public library. He  
25 added that he thought the Navy was doing a poor

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1 job of maintaining the information repository  
2 and that some site-specific documents are  
3 missing." I'd like to go on and add a comment  
4 about this OU-1 RI report. And that is a  
5 summary table in the report indicated that, at  
6 one of the sites, high levels of  
7 tetrahydrocannabinol were found in soil gas.  
8 For you folks who aren't familiar with the  
9 chemical tetrahydrocannabinol it is the  
10 psychoactive ingredient in marijuana. Now,  
11 it's interesting to find a reference to  
12 something like that in a document that goes on  
13 to suggest that recreational exposure to that  
14 site is safe. Now, I think that -- when we --  
15 when we think about -- instead of thinking  
16 about a risk from chemical exposure, we now  
17 consider exposure to a drug like marijuana. I  
18 think we're going to come to different kinds of  
19 conclusions about what type of cleanup and  
20 whether any level of exposure is adequate or  
21 health protective.

22 "Mr. Lynch referred to a letter last  
23 month signed by the BCT notifying the public  
24 that Parcel 182 was safe because there is a  
25 restriction on digging in the park. He

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1 reported that someone has either been digging  
2 or soil has been deposited around the  
3 playground equipment. He understands that  
4 there are requirements for managing excavated  
5 soil. He also reported uncovered soil piles  
6 around several other areas. Mr. Lynch reported  
7 that this new installation restoration site had  
8 been used for an Easter egg hunt. Mr. Lynch  
9 noted oil floating on a storm drain near an  
10 uncovered contaminated soil pile. Mr. Lynch  
11 believes that institutional controls are  
12 clearly ineffective."

13 This is a letter to members of the Base  
14 Cleanup Team. "There's growing evidence that  
15 the principal objective of Superfund, stopping  
16 the spread of toxic waste, is not being  
17 achieved at Alameda Point. To the contrary,  
18 human health and the environment" --  
19 "environmental impacts from contamination  
20 continue to be exasperated by the Navy's  
21 failure to warn."

22 "Mr. Lynch announced that he objects to  
23 any further leasing of recreational property at  
24 Alameda Point and this issue will be further  
25 discussed at a planning department meeting



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1 where the planning department concurred that  
2 this particular parcel should not be leased for  
3 recreational uses. Mr. Lynch based his  
4 rationale on risk assessment methodology that  
5 uses a 154-pound adult. No risk assessment, he  
6 stated, has been prepared for children."

7 "Mr. Stafford announced the meeting was  
8 adjourned at 9:40 p.m. At this point,  
9 Mr. Lynch announced that he had some comments  
10 he would like to express. He responded in  
11 particular to Ms. McFadden's early comment in  
12 regard to a time frame of two years for data to  
13 be disclosed to the public. He noted that RI  
14 data is stale since it is now three years old.  
15 Mr. Lynch commented that the remediation  
16 schedule for Operable Unit No. 1 was updated  
17 20 months ago and has slipped back 16 months.  
18 Further in that time frame, seven of the sites  
19 in Operable Unit No. 1 were delayed when they  
20 were moved to Operable Unit No. 2. Mr. Lynch  
21 stated that these investigations began 20 years  
22 ago, during which time an entire generation of  
23 West End residents have been needlessly exposed  
24 to contaminants such as lead and it is not  
25 coincidental that the lowest-performing

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1 elementary is Woodstock, which is situated in a  
2 contaminant environment next to the base."

3 MS. PERRI: Okay.

4 MR. LYNCH: "Mr. Lynch added that the  
5 Navy has delayed the transfer of property,  
6 which he finds inexcusable."

7 MS. PERRI: Okay. Thank you.

8 Does anyone have questions? All right.  
9 Shah, the next speaker?

10 MR. CHOUDHURY: The next speaker is  
11 William Smith.

12 MR. SMITH: Good evening. I'm  
13 William Smith, member of the Sierra Club,  
14 founder of the East Bay Military Conversion  
15 Task Force and I'm an active -- the Naval Air  
16 Station RAB, the Oakland Army Base RAB and  
17 members of my task force on RABs throughout the  
18 East Bay here.

19 I'm here to -- kind of -- primarily on  
20 TSCA 403 and -- which is a -- the lead rule --  
21 and the DoD submitted comments on that rule,  
22 but -- it ties in very closely to how the DoD,  
23 in this perspective -- in that credibility is  
24 very important for the DoD to -- to -- for the  
25 public to have confidence in its remedies --

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1 and the comment submitted by Ms. Sherri  
2 Wassermann Goodman really undermines that  
3 credibility -- and I'd like to read from a  
4 letter that she -- she -- right here -- and,  
5 then, provide a translation for that.

6 The TSCA 403 Rule basically says that if  
7 you find lead in soil from paint above a  
8 certain concentration that's 2,000 parts per  
9 million, that you must do something about it.  
10 And the big argument was whether or not there  
11 should also be a health base limit set out as a  
12 level of concern and the DoD came out strongly  
13 against that in Ms. Wassermann Goodman's  
14 comments.

15 She writes, "Moreover, we believe that EPA  
16 must more clearly explain to the public the  
17 substantial differences between the threats  
18 posed by the normal use, weathering and  
19 maintenance of lead-based paint and the threats  
20 posed by the uncontrolled hazardous waste sites  
21 and permitted trans" -- TSD -- "transportation,  
22 storage and disposal facilities. The  
23 difference between these two levels reflect the  
24 fundamental difference in the nature of the  
25 risk posed by the normal use, weathering and

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1 maintenance of lead-based paint and the risk  
2 posed by uncontrolled waste sites and permitted  
3 facilities."

4 Translation: It's appropriate to have  
5 higher levels of lead in residential soils than  
6 in industrial soils. While there clearly is a  
7 legal basis for this, there is no technical  
8 basis -- and I don't have -- I'm sorry -- I  
9 don't have time to explain the legal basis for  
10 that now. Once again, it's a case of what we  
11 all in the environmental community have  
12 observed is that -- managers overruling their  
13 technical people. And this is made doubly  
14 worse by DoD's participation in the -- in  
15 behind the scenes in OMB negotiations that  
16 modify these rules so nothing goes on the  
17 public record. And this is a concern  
18 through -- not just this -- but I've heard from  
19 EPA people and others on the chemical munitions  
20 rule and several of those. This is something  
21 that you really need to look closely at as a  
22 body -- is the -- DoD's role in those OMB  
23 negotiations -- and we'd very much like minutes  
24 of those.

25 "It appears" -- in another -- she also

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1 writes -- or this -- this is in the supporting  
2 material for her letter. "It appears that the  
3 level of concern is only weakly substantiated  
4 from a health perspective." Translation:  
5 Soils that California requires to be disposed  
6 of in a hazardous waste landfill are safe to  
7 leave in residential yards. California  
8 requires soils at 375 parts per million to go  
9 to a hazardous waste landfill. The DoD was  
10 supporting a standard in its proposed rule of  
11 2,000 parts per million leaving in place in a  
12 residential yard.

13 There's one thing we agreed with the DoD  
14 on, on cost benefit analysis. "By using such  
15 uncertain IQ methodology and monetary values,  
16 \$8,346 per IQ point, the results are highly  
17 likely not to be only uncertain, but possibly  
18 unsound." We concur with that statement.

19 I'd just like to say that to -- that the  
20 DoD does need credibility to implement remedial  
21 technologies, especially natural attenuation.  
22 These kind of comments don't help. Need to  
23 provide good technical information. The second  
24 is that -- I really hope that the DoD -- if  
25 they would change and support an integrated

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1 approach would help everybody in our community  
2 to be all that you can be, including potential  
3 recruits.

4 Thank you for your attention.

5 MS. PERRI: Anyone with any  
6 questions?

7 MR. EDWARDS: Yes. I have a  
8 question. Mr. Smith, could you leave a copy of  
9 that letter for the record, please?

10 MR. SMITH: Be most delighted to do  
11 that for you.

12 MR. EDWARDS: Madam Chair, could that  
13 be included in the record of the meeting?

14 MS. PERRI: And for the record,  
15 DoD -- I don't know what meetings you're  
16 talking about with OMB -- but, to my knowledge,  
17 I don't think those are recorded -- or if  
18 there's any transcript --

19 MR. CHOUDHURY: Excuse me? Could you  
20 speak into the mike?

21 MS. PERRI: Okay. Yes, Shah.

22 Jim?

23 MR. WOOLFORD: And just for a point  
24 of clarification, the 403 TSCA Rule is a  
25 proposed rule, not a final rule. And the

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1 public comment period has been -- continues to  
2 be open. So, if you -- anyone in the audience  
3 wants to submit additional comments -- if you  
4 have not submitted comments, please do so.

5 MS. PERRI: Okay. Thank you.

6 Shah?

7 MR. CHOUDHURY: Mr. Michael Lozean.

8 And I apologize if I massacre your name.

9 MR. LOZEAN: Apology accepted. It's  
10 Mike Lozean. I'm the Executive Director of  
11 San Francisco Bay Keeper. We're a nonprofit  
12 group that patrols the Bay for pollution, as  
13 our name suggests, and we respond to it in  
14 various ways, including citizen enforcement  
15 actions. We have a project that I thought  
16 you'd be interested in so I'm here just to  
17 describe some of our involvement with some  
18 stormwater pollution and a various set of  
19 pollution issues at some of the Bay Area bases  
20 here.

21 Our project is called the Campaign Against  
22 Military Pollution. It's a joint project with  
23 Arc Ecology and a number of local partners from  
24 various areas near some of the bases in the  
25 Bay Area and in the past four years, I guess,

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1 now -- maybe it started about four and a half  
2 years ago -- we have brought three federal  
3 lawsuits against three different bases in the  
4 Bay Area; Hunters Point, Treasure Island and  
5 Point Molate, the former fuel depot -- and I'll  
6 just go through those chronologically real  
7 quickly and abide by five-minute restriction.  
8 So --

9       The Hunters Point situation was the first  
10 one that we dealt with. These -- Most of the  
11 things I'll describe here are -- the general  
12 concern, I think, is a lack of attention that  
13 we've, in some ways, addressed to some extent,  
14 but I think still is a concern of -- of interim  
15 issues at some of the bases. The longer it  
16 takes to do the long-term cleanups, the longer  
17 we have to deal with ongoing interim problems,  
18 like stormwater contamination and various other  
19 things that we see. So, I think the concern  
20 would be not only that the funding for the  
21 long-term cleanup is expedited as possible, but  
22 also that the interim measures be fully funded  
23 so we don't suffer additional pollution in the  
24 meantime as things go along at their own pace.

25       At Hunters Point, we had a concern about



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1 stormwater contamination, as well as one  
2 situation with one of the tenants there. The  
3 stormwater -- it will be the same scenario for  
4 all three bases, which is the pipes are  
5 intercepting areas where you have contaminated  
6 groundwater plumes or soils, a buildup of  
7 sediments and soils in the system itself and up  
8 until the time we showed up, any -- no real  
9 cleanout of that system, whether it's the catch  
10 basins, the pipes, cracks in the system and  
11 some things like that. And the end result was  
12 some control measures where additional  
13 monitoring, slip lining of pipes, cleaning out  
14 of catch basins, all those kinds of things.  
15 So, it's -- they're -- they're basewide things  
16 for each base. So, it's kind of hard -- I  
17 won't list them all to you.

18 The other issue we dealt with at  
19 Hunters Point was one particular tenant, which  
20 is one of the first reuses of the area --  
21 which is Astoria Metals -- a corporation that  
22 does shipbreaking work at one of the large  
23 dry-docks there. They were leased the site and  
24 we worked on the permits that allowed them to  
25 operate there and the first thing they

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1 proceeded to do is fail to monitor any of their  
2 operations, opening the doors and the handling  
3 of hazardous materials for the first six  
4 months. So, that was the first case we filed  
5 against Astoria to enforce their discharge  
6 permit for failing to monitor it all. And the  
7 second case was more recent, which was the  
8 breaking apart of a -- the Glomar Explorer, a  
9 ship that was up in the mothball fleet in -- in  
10 Suisun Bay and -- taking it apart and putting  
11 11 tons of dripping metal onto Pier 1 just  
12 adjacent to their dry-dock, which wasn't part  
13 of their permit and which has open drains to  
14 the Bay, during the rainy season so -- that was  
15 a straight stormwater case, but the observation  
16 there is a -- somewhat lack of oversight. The  
17 Navy had actually inspected the site, had memos  
18 about the problems, but didn't want to do  
19 anything to enforce the various permits and  
20 things. So, we did.

21 Treasure Island is the next example.  
22 Again, this was sewage issues, as well as  
23 stormwater issues. Stormwater was similar to  
24 the Hunters Point, except mostly oil petroleum  
25 contamination. On the sewage from -- it was

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1 failure to operate the local sewage plant there  
2 correctly. So, there were lots of violations  
3 until we showed up and, then, the violations  
4 came in a little under control and they  
5 basically ceased when the City of San Francisco  
6 took over that piece of the operation. So,  
7 again, lack of attention to the interim issues.

8 And, lastly, Point Molate, which is the  
9 fuel depo over in Richmond. And, again, we had  
10 stormwater concerns where some of the petroleum  
11 plumes were seeping out of the ground being  
12 available for runoff and getting into the  
13 stormwater systems so we had petroleum hits at  
14 the edge of that base, as well as treatment  
15 plant concerns. There was a treatment plant  
16 set up to treat some of the groundwater. That  
17 was pretty much resolved on a permit basis  
18 where we worked on a permit with the local  
19 agency and -- and got additional treatment in  
20 place.

21 So, those are my -- just three examples  
22 and I think they just illustrate a general  
23 concern about what the status of the bases are  
24 now as we go through these, sort of, longer  
25 processes. I also would mention -- the -- the

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1 strategy of using litigation was important,  
2 because, as a local entity, we don't have a  
3 lobbyist or any representation in D.C. -- not  
4 directly. This was our -- our -- our selected  
5 strategy which allows us to quickly and  
6 efficiently cut through what is a pretty  
7 amazing bureaucracy. In fact, even as we  
8 negotiated these cases -- we still don't know  
9 who we were talking to. We were talking to  
10 local representatives. We were going up a  
11 chain of command which I'll never probably  
12 understand in my lifetime, but it was a way of  
13 cutting through that and allowing that chain of  
14 command to react quickly to us and we think  
15 probably one of the more efficient ways. So --

16 Thank you for the opportunity to share  
17 that with you.

18 MS. PERRI: Sure.

19 Anybody have any question? Stan?

20 MR. PHILLIPPE: Just a quick one.

21 Aside from the lawsuits, have you -- have you  
22 taken a look at how stormwater issues are being  
23 handled in general at other bases and have you  
24 formed any opinions? Has Bay Keeper looked at  
25 that?

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1           MR. LOZEAN: Well, our regional scope  
2 is the bay and delta.

3           MR. PHILLIPPE: Yeah.

4           MR. LOZEAN: So -- I mean, we've  
5 looked at, obviously, these three bases. We've  
6 been involved in issues at Alameda and we've  
7 also looked at Mare Island issues. We were  
8 involved intimately with one permit for a  
9 tenant at Mare Island.

10          Where we're going with it is -- we've been  
11 recently involved with a number of other  
12 organizations in San Francisco -- Arc Ecology  
13 being the lead group for us -- on commenting on  
14 the reuse plan for the Hunters Point property  
15 and including in that the connection between  
16 some of the land use decisions that -- you  
17 know, the -- the bases coming -- becoming  
18 available provides to the local city and making  
19 sure that some of the open space issues  
20 accommodate stormwater controls and/or space  
21 for things like reclamation plants for sewage  
22 issues and things like that. That's the way  
23 we're approaching it -- on -- on that  
24 proactive level.

25          We're still concerned that -- you know, in

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1 the meantime, we still have the same stormwater  
2 system -- slightly improved over the years in  
3 part because of our case -- but it's, I'm  
4 sure, still a net increase in -- in the amount  
5 of pollutants discharging from the sites --  
6 better than it was, but there's still, I'm  
7 sure, some interconnection between some of the  
8 contamination in the -- in the Bay.

9 MS. PERRI: Thank you.

10 MR. LOZEAN: Thanks.

11 MR. CHOUDHURY: I'm going to issue a  
12 general apology for mispronouncing people's  
13 name from now to the end of the public comment  
14 period.

15 Ms. Ruth Gravanis?

16 MS. GRAVANIS: That's right. Good  
17 evening. I'm Ruth Gravanis. I'm the Director  
18 of the Treasure Island Wetlands Project and I  
19 came tonight to talk to you about an exciting  
20 opportunity.

21 Some of you know, maybe some of you don't,  
22 that Naval Station Treasure Island is right  
23 smack in the middle of San Francisco Bay and  
24 it's actually two islands; Yerba Buena Island,  
25 which is a real genuine nature-made island,

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1 fairly steep-sided, wonderful remnants of  
2 native plant communities, oak woodlands,  
3 grasslands, has a hole out (phonetic) for  
4 harbor seals, which are a species of special  
5 concern in San Francisco Bay and it's a great  
6 place to visit and to protect.

7       Just north of there, we have  
8 Treasure Island, which is, basically, an area  
9 of rocky shoals, shallow water, onto which the  
10 Army Corps of Engineers pumped a bunch of mud  
11 from the Bay bottom into a rocky enclosure that  
12 contains it until the next big seismic activity  
13 comes along. Treasure Island is about  
14 410 acres and it's kind of an angular shape,  
15 all surrounded by this rock wall. The current  
16 ecological value of Treasure Island is very,  
17 very limited, but its potential is absolutely  
18 fantastic. The opportunities there are really  
19 great and we're eager to move ahead to  
20 implement them.

21       As Mike Lozean mentioned to you, though,  
22 there are some problems. Currently, stormwater  
23 goes directly into San Francisco Bay untreated  
24 and that's a real problem. The San Francisco  
25 Bay is -- is quite polluted. The fish that

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1 many people eat -- that depend on to put food  
2 on the table -- is not safe -- and we want to  
3 do everything we can to help clean up the Bay.  
4 We looked at examples of places throughout the  
5 country where wetlands are used to treat  
6 stormwater. And after some initial  
7 investigation, we obtained a grant to do a  
8 feasibility analysis of creating stormwater  
9 treatment wetlands on Treasure Island. And we  
10 determined that indeed it is not just feasible,  
11 but beneficial in many different ways.

12 So, we're looking at creating stormwater  
13 treatment wetlands. We're also looking at  
14 creating some tidal salt-marsh there. By  
15 breaching through part of the rock wall --  
16 possibly with some kind of control  
17 structures -- we can get tidal action to come  
18 back into the island where we get another  
19 ecological system. So, we would have both  
20 freshwater and saltwater with the creatures  
21 that live in those respective habitats -- and  
22 also by having them side-by-side, we have the  
23 opportunity for a great diversity of wildlife  
24 there.

25 But more importantly in some ways than



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1 just a place for the wildlife, a place for our  
2 migrating birds to stop and feed on the  
3 Pacific Flyway -- which Treasure Island happens  
4 to be smack in the middle of -- we also have  
5 the value for people; an environmental  
6 education center very, very much needed in  
7 San Francisco Bay. We have long waiting lists  
8 of teachers wanting to visit our existing bay  
9 interpretive centers. This would help fill  
10 that need. It would also be a general visitor  
11 draw, a place that people could go on the  
12 ferries and just have a good time observing  
13 wildlife. There are many economic benefits  
14 that accrue when you have areas that people  
15 come to for wildlife watching. They always get  
16 hungry. They have to eat. They have to buy  
17 film and cameras and spotting scopes and  
18 birding guides. They have to visit the  
19 interpretive center, which we plan to build  
20 adjacent to our wetland. So, it also brings an  
21 economic benefit to the island, as well. And  
22 employment opportunities: We have a job corps  
23 site on Treasure Island. We also have the  
24 Treasure Island Homeless Development  
25 Initiative, which will be providing job

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1 training opportunities here in the construction  
2 of the wetlands, as well as in the monitoring  
3 of the wildlife habitat and serving as docents  
4 for the general public. There are a number of  
5 different opportunities for job creation and  
6 training.

7       Also, there's the possibility that the  
8 wetland construction will fit nicely into  
9 cleanup efforts. Where it may be desirable to  
10 remove some contaminated soil, you've already  
11 got some of your excavation done, which you  
12 need to do for your wetlands construction,  
13 anyway. So, they work together. But moving  
14 ahead quickly on the characterization of the  
15 potential contaminants is very, very important  
16 for us to advance our design and engineering  
17 work for the wetlands.

18       And, also, just -- wetlands isn't,  
19 of course, our only interest. It's a major  
20 component of a visitor-oriented reuse of  
21 Treasure Island that includes coming to our  
22 wonderful museum with military history, the  
23 history of our bay bridges, the history of the  
24 1939 World's Fair. We see restaurants with  
25 absolutely wonderful views -- world-famous

0035

1 views -- overnight accommodations, the marina.  
2 People can take sailing lessons, rent a kayak,  
3 go bike riding, all of these things fitting  
4 into the existing uses -- the elementary school  
5 and the -- the residential neighborhood that's  
6 in the process of being created right now.  
7 We're eager to move ahead with implementation  
8 and we hope that you'll do what you can to  
9 speed up characterization and remediation so  
10 this reuse can be realized.

11 MS. PERRI: Thank you.

12 Any questions?

13 MS. GRAVANIS: And I have some  
14 handouts for the members.

15 MS. PERRI: Thank you.

16 Shah?

17 MR. CHOUDHURY: Next speaker,  
18 Mr. Arthur Feinstein.

19 MR. FEINSTEIN: Hi. I'm  
20 Arthur Feinstein. I'm the Executive Director  
21 of the Golden Gate Audubon Society. You're  
22 hearing a lot about nature. I'm going to  
23 continue that.

24 Base closure involves not only human  
25 resources, both good and bad, but on many of

0036

1 the bases, you find natural resources that  
2 perhaps are not anticipated but are quite  
3 wonderful. The Alameda Naval Air Station was a  
4 case in point. On the naval air station in  
5 1976, they suddenly discovered on some degraded  
6 tarmac on the taxiway next to the runway a  
7 colony of the endangered California Least  
8 Tern. This little bird is only nine inches  
9 long and it decided since it couldn't find any  
10 beaches to breed on any more because they were  
11 all filled with us that this tarmac was a  
12 wonderful place because all it had to face was  
13 planes and they at least kept to the runway and  
14 didn't go over their nests. And, so,  
15 miraculously over the years, this colony has  
16 proved to be one of the most important for this  
17 species and is probably critical for the  
18 recovery of this species, as population has  
19 doubled over the last five years, especially  
20 with the closing and reduction of air traffic  
21 and human use out there.

22 We at at the Golden Gate Audubon Society  
23 knew about this. We also knew about a lot of  
24 other species that were residing out at the  
25 refuge and so when the -- at the

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1 air station -- excuse me -- when the closure  
2 was announced, we organized, with our local  
3 college of Alameda, a scientific symposium  
4 which brought together 11 scientists to  
5 describe the resources found there -- and they  
6 were pretty staggering -- over 100 species of  
7 birds -- again one of the most important  
8 colonies of this endangered critter, the  
9 California Least Tern. The breakwater of the  
10 naval air station had the only night roosting  
11 site for the California Brown Pelican. They're  
12 shy with people. They need a place to roost  
13 overnight. It's the only place in the entire  
14 bay where they do so. Fourteen hundred were  
15 seen this year on that breakwater.

16 It has a harbor seal hole out area,  
17 something that is rapidly disappearing from the  
18 Bay Area. It's surrounded by the most dense  
19 fishery area in the entire estuary because of  
20 eel grass bed next door and because fresh water  
21 flows through the Golden Gate. It has more  
22 fish than anywhere else, which is why you find  
23 all these birds there, not the California Least  
24 Tern, it has the largest colony -- the largest  
25 breeding colony of Caspian Terns in California

0038

1 on this -- on the wetlands that are located on  
2 this closing naval air station. Fish &  
3 Wildlife Service listened -- came to this  
4 symposium, heard about all the resources there  
5 and decided to make it a national wildlife  
6 refuge and just has issued its environmental  
7 assessment, which is the last step in the  
8 process of creating this refuge. It's very  
9 exciting for us. It's very exciting for the  
10 critters that live there. It's very exciting,  
11 I believe, for entire Bay Area community to  
12 have in the middle of millions of people a  
13 resource that has so much wildlife value in a  
14 place that you would not expect it. But  
15 there's a problem there. And that is, again,  
16 contamination, which I'm sure you hear  
17 always -- over and over again.

18 Right next to the wetlands where the  
19 Caspian Terns nest is a 72-acre landfill that  
20 has radioactive materials -- it was mostly dial  
21 faces for old dials -- PAHs, PCBs and  
22 everything else you can imagine in 72 acres.  
23 My understanding is that right now the  
24 presumptive remedy of the Navy is to cap it,  
25 rather than take it out. This is the only

0039

1 place on the refuge where you could do an  
2 actual wetland restoration de -- proposed  
3 refuge where you could actual do a wetland  
4 restoration. You, obviously, can't do that if  
5 it's contaminated.

6 The Caspian Tern colony is declining. Is  
7 that possible -- possibly because there is  
8 leaching from this landfill into the wetlands  
9 where they're breeding? Is capping a  
10 reasonable alternative considering that the  
11 groundwater is almost to the surface there?  
12 So, is capping the surface going to do much  
13 good if groundwater is reaching these  
14 contaminant materials from underneath? It's  
15 right next to the Bay -- you know, it's 10 feet  
16 away from the Bay -- so if the groundwater is  
17 leaching up, then one can expect it to be going  
18 into the Bay.

19 And the berm is a very tenuous one. The  
20 levy is old. The whole landfill is old. It's  
21 built, in part, on ships. They just sunk  
22 ships -- wood ships -- some of them -- and  
23 built -- dumped mud on top of it -- and, so,  
24 the levees and the landfill itself is  
25 unstable. A good seismic event -- or a bad

0040

1 seismic event, depending upon how you look at  
2 it -- may well release these toxic materials  
3 into the Bay -- and, as Ruth said already, you  
4 can't eat the fish because of our toxic  
5 situation in the Bay and you don't want to  
6 release this amount of contaminants into it.  
7 So, here's an example we think of where -- and,  
8 again, the full characterization has not been  
9 done. The Navy has not reached its final  
10 decision on how it's going to take care of this  
11 matter, but our understanding is that they are  
12 proposing capping. We hope that they  
13 reinvestigate this and despite the atrocious  
14 cost that it will be to take out all this  
15 material, nonetheless, that's really the only  
16 answer other -- if you don't do that, the  
17 community and the Bay will be facing at some  
18 point in the future, inevitably, a toxic  
19 calamity that we shouldn't be faced with.

20 So, at Alameda, you have a tremendous  
21 resource, but you have one that's also  
22 threatened by some of the activities of the  
23 past. Here's a great opportunity to rectify  
24 that and bring to the Bay Area and to the  
25 nation a wonderful thing, which is a natural



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1 wildlife refuge that's bringing critters back  
2 to life and providing education and recreation  
3 to all of us.

4 Thank you.

5 MS. PERRI: Thank you. Questions?  
6 Don, you have a question?

7 MR. GRAY: Yes. I have a question.

8 Those people that know me on the  
9 Task Force know that one of my great passions  
10 is -- one of my great passions is preserving  
11 the natural and cultural resources that might  
12 not still be in existence had they not been on  
13 a military base for the last 50 to -- to  
14 100 years. So, I really find this a very  
15 interesting case.

16 Do you feel that -- that it's just not  
17 practical to -- I mean -- is the Navy's  
18 feeling -- position that it's not practical  
19 to -- to excavate this landfill? Is it because  
20 of cost?

21 MR. FEINSTEIN: Well, again, I don't  
22 think it's reached that point, yet. They're  
23 not planning to have their R-O-D -- the  
24 ROD -- for another year or two. My  
25 understanding is they have not reached their

0042

1 final decision on this and all we know is that  
2 they're telling us that their presumptive  
3 remedy is capping -- and they haven't  
4 investigated the costs, I -- even -- they  
5 have not even investigated the costs of  
6 removal.

7 MR. GRAY: Well, we hear a lot about,  
8 you know, tailoring the remedies to fit the  
9 proposed reuse of the property. It's clear  
10 that in this case, the proposed reuse is for  
11 wildlife refuge and, so -- that's a residential  
12 use, not by humans, but it's still a  
13 residential use -- and, so, it seems to me that  
14 it needs to be cleaned up to residential  
15 standards.

16 MR. FEINSTEIN: Well, I certainly  
17 share that opinion and I hope the Navy does,  
18 too, when it comes to it.

19 MR. GRAY: Thank you.

20 MR. FEINSTEIN: Thank you very much.

21 MR. CHOUDHURY: Mr. Olin Webb?

22 MR. WEBB: Good evening. My name is  
23 Olin Webb and I'm with the Bayview  
24 Hunters Point Advocates. I'm here to talk to  
25 you about Hunters Point Shipyard.

0043

1 I don't trust the Navy. I don't trust the  
2 City of San Francisco. So, I'm coming to the  
3 federal government. This is a model city's  
4 brochure -- newslette -- of the shipyard,  
5 1974 -- '73 -- I'm sorry. We at  
6 Hunters Point -- we've been dealing with this  
7 issue since '73 -- and we're coming back to the  
8 issue of developing that shipyard, but someone  
9 seems to be missing the point because they say  
10 that we're going to spend 25 years to do the  
11 cleanup. They've been out there ten years now  
12 since '89 that I know of cleaning up the  
13 Hunters Point Shipyard. They're not finished,  
14 yet.

15 Barbara Lee wrote a bill in 1993 and it's  
16 called Base Closure and it's really economic  
17 conversion and California is going through  
18 economic conversion right now. We at  
19 Hunters Point say we need the shipyard for  
20 ourselves to develop -- the community -- not  
21 the city and not the Navy -- because we are the  
22 affected community. We are the ones that has  
23 been poisoned by that community -- that  
24 shipyard -- for the last 50 years.

25 I grew up in Hunters Point. I've been

0044

1 there all my life. I know the games of the  
2 city. The city -- Hunters Point was a  
3 redevelopment agency -- redevelopment parcel.  
4 The city said, "We'll give you jobs." No one  
5 that developed the property up at  
6 Hunters Point -- We were all sponsors. We did  
7 not have ownership. What I'm talking to you  
8 now about is ownership. We need ownership.  
9 The City of San Francisco is giving away land  
10 in Hunters Point and the Bayview district --  
11 because the '49ers has got about 500 acres  
12 themselves. And, then, when we talk to the  
13 mayor and say, "Hey, this is a public issue,"  
14 the mayor tells us that, "Hey, that's  
15 private." But, yet, they're giving  
16 \$100 million and they're giving them the land  
17 and tell us that's private. So, therefore, I  
18 do not trust the City of San Francisco.

19 Now with the development that's happening  
20 in Hunters Point, the city is talking about a  
21 master developer. To me, master developing  
22 means control. Control of the black folks out  
23 in Hunters Point. The City of San Francisco  
24 can redevelop all of San Francisco with the  
25 Redevelopment Agency and come down to

0045

1 Hunters Point Shipyard -- little old  
2 500 acres -- and they say they need a master  
3 developer. They're taking away economic  
4 opportunities for the people in the community.  
5 We're not looking at who has been affected by  
6 the base closure for the last 25 years. The  
7 community didn't have the opportunity to get  
8 the base closure -- to get the base -- because  
9 in this article -- this article that my  
10 brother-in-law -- who was on the transition  
11 team when they closed the base -- sent to  
12 Mayor Al Liotle (phonetic) saying what we  
13 wanted in that shipyard.

14 So, what the City of San Francisco did --  
15 after the federal government didn't want it,  
16 GSA didn't want it, the state didn't want it,  
17 the city didn't want it -- the community had  
18 the opportunity to get it and we were going to  
19 go after it. The city heard about it -- and,  
20 I guess, the Navy -- so Hunters Point all of a  
21 sudden became an annex of Treasure Island.  
22 Now, Hunters Point was a shipyard on its own --  
23 entity on its own -- Hunters Point Shipyard all  
24 my life, then all of a sudden you change it to  
25 be an annex of Treasure Island. Again,

0046

1 circumvent the African-Americans from  
2 developing out there.

3 I'm coming here also to talk to you about  
4 environmental justice. It says,  
5 "Disappropriate, high and adverse impact to  
6 minority population, low-income population,  
7 health and environmental impact." That's  
8 Executive Order 12-8-98. Also, within it, we  
9 talk about Civil Rights, Title 6. Title 6  
10 says, "Race, sex, national origin, including  
11 participation, denied benefits and subject to  
12 discrimination." We've been denied our  
13 benefits and we have been discriminated against  
14 out in Hunters Point.

15 The last process that I'm talking about is  
16 the NEPA process. The principals of NEPA is  
17 environmental ethic, productive harmony,  
18 socioeconomic and other requirements.  
19 Section 101 of the NEPA says, "Planning and  
20 decision making." Section 102 says,  
21 "Environmental impact statement." Right now  
22 the City of San Francisco is going through the  
23 environmental impact statement and the EIR,  
24 Environmental Impact Report. The City of  
25 San Francisco came in next to last with their

0047

1 environmental impact statement, which is part  
2 of the NEPA process. There's nothing in the  
3 EIR or EIS that addresses the community's  
4 needs. It addresses everything but the  
5 community's need.

6       What I'm suggesting and what I'm here to  
7 throw at you is that we at Hunters Point -- we  
8 need half of that shipyard to be set aside. I  
9 know that's a bad word, but -- set aside --  
10 because that's still federal law -- you know,  
11 affirmative action is still federal law. I  
12 don't care what the State of California voted  
13 on. So, we need to have set aside out in  
14 Hunters Point for economic development for us  
15 so my son and my nieces and nephew don't grow  
16 up like I have under the influence of saying  
17 that, "Hey, sooner or later we're going to get  
18 something that we can help our people," and  
19 they keep it -- take it further and further --  
20 you know, that old saying is that -- "Pull  
21 yourself up by the bootstrap," then, hell, you  
22 take both the boots. We don't have nothing to  
23 pull ourselves up by.

24       So, you have to start listening to us now  
25 or else we're going to start walking and

0048

1 picketing in front of the only way into  
2 Hunters Point and the only way out. You have  
3 to start listening to us and you have to start  
4 listening to African-Americans in  
5 Hunters Point, because we are the ones that  
6 suffer. We didn't ask to be put in that  
7 position. They moved us out there because of  
8 segregation. I did not realign against  
9 myself. If I -- If I -- and did not do  
10 segregation. So, I did not do  
11 discrimination -- the segregation. So, what  
12 I'm saying -- I'm trying to hurry up. What  
13 I'm saying is that you need to start looking at  
14 how you can help the affected communities and  
15 the people that's been suffering the longest --  
16 to help them develop their communities and not  
17 just having other people come in and say,  
18 "We'll develop this for you." And we also  
19 need to look at technology transfer and  
20 projects like BADCAT for the community for base  
21 economic development and remediation  
22 organization. So --

23 MS. PERRI: Thank you.

24 MR. WEBB: Thank you.

25 MS. PERRI: Anybody have --



0049

1                   MR. GRAY: Could you just tell us  
2 briefly what the reuse -- the community wants  
3 for that part of --

4                   MR. WEBB: Well, the community wants  
5 to develop itself. It wants to develop --  
6 you know, we -- we went through plans with --  
7 with -- with CAC, Citizens Advisory Committee,  
8 to de -- what we wanted to do to develop the  
9 shipyard. We also -- you know, we say we want  
10 economic development and we want jobs. I went  
11 through the jobs. We don't want to go through  
12 the jobs. We need ownership so we can start  
13 hiring our people.

14           If you see -- if you go through  
15 Hunters Point, you see my people standing on  
16 the corners, you see my youngster standing out  
17 there, because they don't see a future. So,  
18 we're saying that we need to have ownership to  
19 develop the land so we can hire our own -- so  
20 we can start living like people instead of --  
21 you know, having our youngsters dealing dope,  
22 you know -- and, then, our youngsters that's  
23 dealing in dope -- I say, "Hey" -- you know --  
24 "that's bad for you" -- you know, "You can" --  
25 "You can" -- "Somebody can drive by and shoot

0050

1 you. They say, "Hell, that it's no worse  
2 than" -- you know, "I don't have nothing else  
3 to look forward to." So, we've got to start  
4 letting them look forward to some -- some  
5 development out in the shipyard.

6 So, we're saying that -- we're going  
7 through some process -- a process now of  
8 developing it and we're talking to the  
9 developers -- which I don't like -- we still  
10 need to have the development ourselves. But we  
11 said we want our businesses -- and there's some  
12 homes that we're talking about putting up on  
13 the hill, which is not contaminated -- they  
14 call it Site A -- where it's not as bad as the  
15 rest of the shipyard, supposedly, but it used  
16 to be the old projects. So --

17 MR. GRAY: But you're talking about a  
18 mixed residential --

19 MR. WEBB: So, we're talking about  
20 developing our homes -- you know --

21 MR. GRAY: -- industrial use?

22 MR. WEBB: Right. Industrial --  
23 Well, industrial -- we'll bring in -- we've got  
24 to start creating businesses so we can bring in  
25 our own businesses.

0051

1 MR. GRAY: So, it would be  
2 residential/commercial use?

3 MR. WEBB: Right. Right.

4 MR. GRAY: Thank you.

5 MR. WEBB: Okay.

6 MS. PERRI: Okay. Shah?

7 MR. CHOUDHURY: Next speaker,  
8 Mr. Azibuike Akaba.

9 MR. AKABA: How are you doing? I've  
10 got two statements. One is from  
11 Dr. Charles Bennett. He's a member of the  
12 El Toro RAB. And, then, I have a statement  
13 that I made.

14 I'm just going to read Charles Bennett's.  
15 It says, "To the DERTF, the oversight at the  
16 El Toro CERCLA site in Orange County by the  
17 agencies of the State of California have been  
18 thorough and responsible fulfilling their duty  
19 to protect human health and the environment.  
20 The agencies appeared to the local community  
21 members to take responsibility seriously,  
22 probably because the agencies know that the  
23 site will remain in the state even after CERCLA  
24 closure" -- "CERCLA closure" -- "and the  
25 departure of the military."

0052

1           "Unfortunately, there is a clear risk  
2   that the Department of Navy will make the work  
3   of the state agencies much more difficult by  
4   reducing the funding of the oversight  
5   agencies. The Department of the Navy is  
6   altering the procedure for determining the  
7   funding allocations to oversight agencies.  
8   When a responsible party, that is the Navy" --  
9   "Department of Navy" -- "does not like the  
10  actions of a judge, that is, the California  
11  oversight agencies, it is an obvious ploy to  
12  limit the power of the judge. The El Toro  
13  community speaks strongly against permitting  
14  any such limitation of our judge as embodied in  
15  the Cal EPA agencies for El Toro."

16           "Any Department of Defense policy that  
17  undercuts the full and thorough participation  
18  of state agencies as CERCLA sites can have  
19  serious and deleterious impacts on the  
20  confidence that the community has in the  
21  actions of the DoD at CERCLA sites. Trust and  
22  confidence once lost are very difficult to  
23  regain. Respectfully submitted by  
24  Charles Bennett, El Toro RAB."

25           And my comment is in reference to -- I

0053

1 work for Communities for a Better Environment  
2 as an environmental scientist and provide  
3 technical and legal and organizing support for  
4 communities in San Francisco, as well as  
5 throughout the state. And I was commenting on  
6 the gentleman who was representing the OEA. In  
7 his presentation, he made -- an excerpt from  
8 his presentation was that OEA wants to fund  
9 marketing strategies.

10 Following up on what Olin Webb just  
11 said -- was that the affected communities live  
12 near the sites and they are -- they are  
13 marginalized, at best, in participating in the  
14 development of the sites. A concrete  
15 suggestion to you-all is that not only to  
16 provide resources, but also provide financial,  
17 management and technical support to facilitate  
18 the land acquisition and ownership transfer for  
19 the communities directly impacted economically  
20 and environmentally. And the bottom line is that  
21 the people who live near the bases need to  
22 benefit directly, because they were the same  
23 ones to be adversely impacted.

24 Thank you.

25 MS. PERRI: Thank you.

0054

1           Shah?

2           GEN. HUNTER:  Let me -- before you  
3 do, let me ask a question.

4           MS. PERRI:  Sure.

5           MR. CHOUDHURY:  Can I ask you to step  
6 back, please?

7           GEN. HUNTER:  Could you tell me the  
8 time frame of Mr. Bennett's letter?  I'm just  
9 trying to find out.  Is it a recent letter?  Is  
10 it --

11          MR. AKABA:  Yeah.  He just wrote it.  
12 He just sent it to me, like, Friday.

13          GEN. HUNTER:  Okay.  Thank you.

14          MR. GRAY:  Could I -- before you  
15 leave -- is it -- just make sure I have a  
16 correct understanding.  Your concern is  
17 basically the same as the gentleman who spoke  
18 just before you, that the local residents  
19 around the facility are not going to be able to  
20 realize the benefits of the facility?

21          MR. AKABA:  That's correct.  In terms  
22 of the economic benefits, they want to own part  
23 of the land, they want to participate in the  
24 process, overseeing what type of businesses are  
25 developed in the bases -- I mean, once the

0055

1 bases have been turned over to the local  
2 cities. So, they want to participate in the  
3 management of those development processes, as  
4 well as create their own economic  
5 institutions. So, I'm saying that -- that you  
6 all should consider financial and technical and  
7 managerial support to see that that happens.

8 MR. GRAY: Thank you.

9 MR. CHOUDHURY: If I could continue  
10 to ask people to speak one at a time, please,  
11 as we go through these proceedings.

12 Mr. Raymond Tompkins, please?

13 MR. TOMPKINS: Good evening,  
14 ladies and gentlemen. Not just yet. I'll get  
15 to that in a second.

16 My name is Raymond Tompkins. I'm the  
17 Executive Director of the Bayview Hunters Point  
18 Collaborative. I've also participated in the  
19 task force that heads up the scientific  
20 investigation team. I'm also an associate  
21 researcher at San Francisco State University  
22 and I also taught a course at U.C. Berkeley in  
23 chemistry and environment where I took as a  
24 demonstration model seventh and eighth graders  
25 and taught them third-year chemistry at

0056

1 U.C. Berkeley and that, to follow Mr. Webb's  
2 point, is that, one, the residents who are  
3 adjacent to the property should be part of  
4 cleaning up the process, that we can teach them  
5 if you allow us, if you want them to know the  
6 truth. That is the issue.

7 The issues that I will bring up this  
8 evening are dealing with environmental  
9 exposures and the methodology and a lack of any  
10 valid science measurements being taken when  
11 these studies are being done. Secondly, I used  
12 to run a hospital lab for three years for the  
13 State of California. It amazes me that there  
14 are no checks and balances in this study, that  
15 you are asking the fox to watch the hen house.

16 When I did blood chemistry, there would  
17 always be some time or another -- an unknown,  
18 to check the accuracy of what's taking place.  
19 Right now, for example, when Dr. Williams and  
20 myself -- who is a physician -- did early --  
21 with one of the contracting groups in the  
22 Navy -- who was funded 123,000 -- I'll be --  
23 PRC -- I'm going to name them -- and we came  
24 up to deal with a study looking at end points  
25 of the impact on a human being. The public



0057

1 relations person happened to be of African  
2 descent -- the only one, mind you --  
3 tokenism -- and, then, the one in reception --  
4 but everybody else on the science division --  
5 there were Chinese and whites -- but not one  
6 other -- turned around and said -- afterwards  
7 they looked at what I wanted to study, the  
8 effects on the population adjacent to the  
9 property -- "We can't do that type of a study.  
10 Our job is to protect the Navy." As a parent,  
11 as a grandparent, someone who lives right down  
12 the street from a shipyard, my job  
13 responsibility is to protect my child and my  
14 neighbors. It would be criminal for me to  
15 stand here and call myself an educator --  
16 although I don't get promotions because of my  
17 mouth -- it's hard to have principles, but it  
18 is unethical for me to sit here or stand and  
19 say I'm an educator and not teach and speak out  
20 to the science of what I know is good.

21 I happen to beg a freebee from my  
22 colleagues at the university -- and the dean  
23 is a colleague -- where Dr. Palmer, who just  
24 finished a grant from NASA and analyzed the  
25 Soviet space station and air quality in the

0058

1 Soviet space station -- so, we have the  
2 state-of-the-art equipment. As the previous  
3 speaker spoke about, truly, what type of  
4 development, we don't want to repeat the war  
5 property jobs of the '60s. What we want to  
6 deal with is the state of our technology. Our  
7 students, our children, our young adults can  
8 learn. When I taught seventh and eighth  
9 graders at Berkeley last summer, not only did  
10 they use EPA standards -- and using a grid  
11 system -- setting up an "X" system, doing  
12 their own budgets, figuring out the cost and  
13 analysis of what it would take to run a time  
14 desorption unit on measuring lead levels in the  
15 soil, we find out that U.C. Berkeley has  
16 200 micrograms of lead. Not as clean as they  
17 thought it was over at Berkeley's library -- on  
18 the (inaudible) library -- the engineering  
19 department.

20 One of the problems we have here is  
21 traditional bias in risk assessment and  
22 methodology. First off -- We just finished  
23 celebrating Dr. King's birthday and as many  
24 expressed earlier -- previous speakers --  
25 it's similar to what -- Oh, Jesus. I'm going

0059

1 to run over slightly -- What Dr. --

2 Sheriff Prichard told Dr. King before he went

3 to Birmingham, "Dr. King, you must understand

4 here, this is a question of mind over matter.

5 I don't mind, because you don't matter and I'll

6 send all of you-all to jail," and he did.

7 What happens in risk assessment and

8 management, first off, is the military

9 experience in Desert Storm in terms of multiple

10 chemical exposure, low level exposure is a very

11 serious factor, genetic variances in

12 population -- and the previous speaker from

13 Sierra Club talked about -- in terms of lead

14 levels. There are diseases of which we are

15 familiar with that are called g-6-p deficiency,

16 which affects 16 percent of the

17 African-American population, 12 percent of the

18 Filipinos. There are all -- subsets, also.

19 Also, we're familiar with sickle cell anemia.

20 When you combine those two factors together, it

21 falls -- 20 percent of African-American males

22 are susceptible to current lead levels that we

23 say are safe.

24 I did an analysis on water at subject 21

25 (phonetic). We found -- at levels -- that

0060

1 70 percent was at 6. -- 7.9 -- that we found  
2 that 70 percent of all African-American males  
3 were in special ed classes, not everybody  
4 (inaudible) -- not African-Americans. That's  
5 stereotyping. The bias is in our science.

6 Please flip over. Please remove that  
7 quickly so I can get to the -- the other side.  
8 That's my neighborhood. The shipyard is the  
9 extended piece right by her finger. Perfect.  
10 There are over 200 known cancer-causing agents  
11 on the shipyard, plus radioactive material. In  
12 my neighborhood alone, there are 400 known  
13 toxic sites in the neighborhood.

14 In the -- Next slide, please. Those are  
15 the eight sites that appeared and the  
16 elementary schoolchildren at George Washington  
17 Carver Elementary School. The reason why I  
18 took the children from George Washington  
19 Carver, because in the first grade last year  
20 out of the 20 children, 11 were diagnosed by a  
21 physician in the emergency room as having being  
22 asthmatic and they are all on inhalant  
23 devices. The teacher developed asthma.

24 Please move along. I'm sorry. The --  
25 Those are the chemicals that we came up with.

0061

1 We used the standardized TO-14 standards. We  
2 did not deviate from EPA accepted practices.

3 Slide off. I'm sorry. This is the  
4 important factors. Colleague: Look at No. 6,  
5 please. Naval base. We took this on these  
6 meteorological conditions in May on a wet,  
7 rainy day. This is not hot where you have  
8 temperature of thermals acting in. This is a  
9 wet, rainy day. This is only a spot check.

10 Next one. Same thing. Benzene: Known  
11 carcinogen. Oh, just for the record, I also  
12 served on a team that headed up the research on  
13 cancer in elevated rates of African-American  
14 women being -- it was point -- twice the  
15 expected rate. When we did a community-based  
16 study headed up by Kathy at City College, along  
17 with Dr. Coleman, for those residents who are  
18 around -- been the only physician for --  
19 sometimes for 50 years -- practicing medicine  
20 in Bayview. They found out that there's a  
21 shift -- contrary to what CDC came up with --  
22 again, a flawed methodology. He never asked  
23 the residents. When they did self-examinations  
24 of 120 women -- 1,200 women at Navy Hunters  
25 Point, we see a shift of our young women -- 20,

0062

1 21, 22, 23, 25 -- a sister who was 27 had five  
2 children -- she had been in the low end -- lost  
3 both breasts. Also, gentlemen, it's not a  
4 woman's problem. Some of the same kind of  
5 cancer-causing agents that we found out there  
6 also cause testicular cancer. They cut them  
7 off, also. So, you lose just as they do.  
8 Pollution doesn't discriminate.

9       Next one, please. Same thing. Again,  
10 notice the levels -- very quickly -- how far  
11 off the scale this is. This is what we did in  
12 five minutes. What we're showing here is that  
13 you can have a threshold point that you must  
14 act upon.

15       Move forward to its conclusions. Move to  
16 conclusions, please. Down here -- please  
17 notice -- results -- over again -- high on a  
18 seven-day -- move to the next one.  
19 Conclusions -- because I'm -- I'm pushing --  
20 that's it -- my apologies. You can remove  
21 that.

22       What point is -- here -- sorry -- last  
23 slide is what I wanted to show. There it is in  
24 that page. I thought it was in my other one.  
25 I apologize.

0063

1           Degrees and concentrations in a six-month  
2 poll is at 1,000. Normally, you act upon one  
3 out of a million. What I ran in a five-minute  
4 period would escalate to this level.  
5 Sixteen folks dying when NASA says it's safe  
6 for an adult white male. I got it in five  
7 minutes out there at Bayview. It is no wonder  
8 that I strongly urge that you respond in a more  
9 positive action in terms of one in science that  
10 we have a balance. The community is at a  
11 disadvantage throughout this nation. The TAG  
12 grants do not address the fact that they only  
13 ask us to review material that somebody else  
14 did. I can fudge a test. I can float the  
15 baseline. We never see it.

16           Unless the community is involved --  
17 because we're talking about building their  
18 trust and developing a partnership. This is  
19 what we're asking for -- for a real  
20 partnership, not a facade in terms of truly  
21 building an inner structure, rebuilding the  
22 community that's been exposed and that -- doing  
23 real science and training the next  
24 generation -- because I get very frustrated  
25 being the only one of African descent in

0064

1 research meetings talking about Bayview  
2 Hunters Point and they have no clue. So,  
3 that's why I go back to elementary and high  
4 school and involve the adults. It's not that  
5 you need a Ph.D. to understand science -- or an  
6 M.D. It's about de-mystification and seeking  
7 the truth. Because if we don't, what I'll have  
8 is more dead children and this is what we want  
9 to avoid.

10 Right now, we -- CDC just let down a  
11 report in terms of the natural average life  
12 expectancy. For an African-American male in  
13 the United States, it's 70 years old. For a  
14 white male, it's 76. For an African-American  
15 male on Bayview Hunters Point, 56 years. I  
16 think the factor of the relationship to a  
17 Superfund site that the shipyard is and where I  
18 live is a direct correlation and just as we  
19 know doctors and scientists argue about the  
20 effects of cigarette smoke and that you don't  
21 have an empirical or unquestionable  
22 relationship -- cause-and-effect  
23 relationship -- between that and cancer,  
24 please.

25 When I'm looking at babies having breast



0065

1 cancer, there is a problem. The effect that  
2 I'm having scientists argue with in the  
3 shipyard that PCBs were exposed there at the  
4 levels of 38,500 times above what EPA says is  
5 safe, but how can you say that can be a  
6 problem? I told Dr. Gillis -- I said,  
7 "Sweetheart, I can float on elephant in a  
8 rocket ship and put it in outer space if you  
9 want to hang him by his tail." But dealing  
10 with reality, I think there's possible  
11 cause-effect here that we need to look at. I  
12 don't want to argue with epidemiologists  
13 counting bodies. I want to do a prevention and  
14 we're proposing with the Defense Department to  
15 sit down with us jointly and do a serious  
16 effort. Because what you have down here is  
17 regarding a balance and I'm lucky that my dean  
18 and other colleagues at different universities  
19 have chipped in free, but other communities in  
20 this nation do not have this access to  
21 technology to check and balance it. As you set  
22 these methods up, you need a check and balance  
23 and involving the residents so that they  
24 believe, trust and can plan on an intelligent  
25 basis. The scales are not balanced.

0066

1           Go back to --

2           MR. CHOUDHURY:  Mr. Tompkins --

3           MR. TOMPKINS:  It's not balanced.

4           MR. CHOUDHURY:  -- let me just point  
5 out you have run out of time.

6           MR. TOMPKINS:  I thank you for your  
7 patience.  The issues are very, very serious  
8 for us.  It's a life-and-death matter.

9           Are there questions?

10          MS. PERRI:  Thank you very much.

11          MR. TOMPKINS:  Thank you.

12          MR. CHOUDHURY:  The next presenter,  
13 Mr. Alex Lantsburg.

14          MR. LANTSBURG:  Thank you.  My name  
15 is Alex Lantsburg.  I'm the Project Coordinator  
16 for SAEJ, Southeast Alliance for Environmental  
17 Justice.  I didn't come here directly with  
18 Ray and all them -- and Azibuike.  We're all  
19 working at Hunters Point Shipyard so we all  
20 have pretty similar things to say.

21          Ray talked a little bit about some issues  
22 and I think what it really comes down to is a  
23 question of accountability.  The woman in --  
24 Ms. Karla Perri who is chairing the meeting  
25 said something to the EPA -- to the gentleman

0067

1 from Region 9 about accountability and DSMOA --  
2 saying the county meetings will be accountable  
3 to DoD. Well, in our view, DoD should be  
4 accountable to the communities.

5 As far as we see, the Department of  
6 Defense or Department of War is in the business  
7 of killing people and we don't really think you  
8 are in the position of questioning  
9 environmental professionals, especially when  
10 the effects that Ray Tompkins just described  
11 are happening and all -- all the questioning  
12 does is just simply delay the problems and  
13 keep -- keep the body count going higher.

14 Olin said something about being 25 years  
15 since the -- since Hunters Point Shipyard  
16 closed. What happens in 25 years and -- within  
17 this 25 years about \$300 million has been spent  
18 with, I think, Parcel A coming off the NPL  
19 recently and Parcel B being the one for this  
20 long cleanup as the chart showed. But it's  
21 taken 300 to clean up in 25 years for us to be  
22 basically at the same issue of economic  
23 conversion for the community.

24 At this -- to speak more about  
25 accountability, there's also the question of --

0068

1 or, at least, the importance of maintaining the  
2 RABs after cleanup decisions have been made. I  
3 believe an example of this can be actually  
4 related to something that Mr. Lynch said and  
5 something that Mr. Gray said earlier --  
6 basically, questioning the usefulness of  
7 institutional controls if they're proposed by  
8 Department of Defense -- you know, the question  
9 is: Who's going to watch the institution? If  
10 they're -- If the RABs are not there, who's  
11 going to watch it?

12 An example of this is that there have been  
13 trucks going in and out of Hunters Point  
14 Shipyard along the O-70 gate (phonetic) -- and  
15 for about two and a half weeks in October and  
16 November, there were massive dust clouds  
17 hanging over the gate. Cleanup is happening  
18 right -- I guess it would be right to the east  
19 of the gate on Parcel B -- and there was just  
20 massive dust clouds hanging over the gate  
21 drifting into the -- into people's homes where  
22 Mr. Tompkins lives, where some of our board  
23 members live -- and there are -- there were a  
24 lot of complaints that came into SEAJ and we  
25 reported some of these complaints. We called

0069

1 the air district. We called BRAC down in  
2 San Bruno. But I think it was because of the  
3 fact that it was addressed at the RAB that,  
4 really, something was done -- and it took until  
5 the November RAB session to see anything  
6 happen.

7 I also want to talk about -- since  
8 we're -- since I started on the issue of  
9 RABs -- is compensation for RAB members. I was  
10 speaking with a RAB member who's been community  
11 co-chair for the past three years and she --  
12 she, basically, expressed to us that she's  
13 taken time out of her family, she's taken --  
14 she's put aside personal time -- put aside  
15 projects that she's wanted to do for something  
16 that she's not going to see a result for three  
17 decades. I mean, the cleanup at Hunters Point  
18 Shipyard is 30 years. What's the immediate  
19 benefit to people to -- to actually come out to  
20 these -- these -- digest these volumes upon  
21 volumes of technical data which a lot of folks  
22 have a lot of trouble understanding when you  
23 can't even get child care, when you have to  
24 figure out how you're going to feed your family  
25 that night because you don't know how you're

0070

1 going to make dinner and where you can't even  
2 bring them -- or -- you know -- well, maybe  
3 they'll have some sandwiches or something for  
4 you. So, you -- So, the RAB in some ways --  
5 just the way its structured -- really isn't  
6 going to ever change people's life and --  
7 you know, for these people who have  
8 volunteered, you need to -- they need to be  
9 shown some appreciation. They need to be shown  
10 appreciation whether it's through a community  
11 event thrown by the Navy or by the BRAC, but  
12 basically something showing that these folks  
13 are putting in their time, they are putting in  
14 their -- their blood, sweat and tears to make  
15 sure that something that's going to happen  
16 30 years down the line -- something that  
17 they're not going to see, most likely, but  
18 something that their kids are going to benefit  
19 from.

20 I'm going to leave it alone. I'm sure  
21 there's going to be a lot of other public  
22 testimony, a lot of other issues. So,  
23 thank you.

24 MS. PERRI: Thank you.

25 Shah?

0071

1 MR. CHOUDHURY: Thank you.

2 Mr. Don Zweifel?

3 MR. GRAY: Would you repeat the  
4 name?

5 MR. YAROSCHAK: Shah, I think that he  
6 left. He is a RAB member from El Toro. And if  
7 I remember, he -- he had to leave early,  
8 I believe. So --

9 MR. GRAY: I think he had to catch a  
10 plane.

11 MR. CHOUDHURY: Thank you,  
12 Mr. Yaroschak.

13 Ms. LeVonne Stone?

14 MS. STONE: Good evening. I'm  
15 voicing some of the same concerns as -- that  
16 I've heard -- Oh, thank you. I'm a member of  
17 the board -- Restoration Advisory Board -- a  
18 founding member since the inception of our  
19 board -- and I'm concerned that as a community  
20 RAB member that we are not allowed to be a part  
21 of the reuse authority or to have a member on  
22 the reuse authority, that they can be a member  
23 of our RAB and that we are not taken seriously  
24 as a RAB member.

25 In my time on the RAB -- and I missed --

0072

1 since 1994, I think, two RAB meetings -- and I  
2 have been there. I spent the first two years  
3 as the only person of color on our RAB and I  
4 found out that when we set about to address the  
5 issue of minority participation on our RAB and  
6 implementing environmental justice that it was  
7 not well accepted and as a result of that, I  
8 lost my job and I have faced harassment and  
9 assault on my character and my community and I  
10 think it's time that we recognize that the  
11 policies laid out by DoD and EPA be implemented  
12 and some responsibility be taken to make sure  
13 that our affected communities are addressed in  
14 cleanup and reuse issues.

15 We need funding for the operation of our  
16 local RAB and for the community groups involved  
17 in cleanup and environmental justice issues --  
18 I think it's imperative -- and especially for  
19 the African-American communities that are  
20 adjacent to the closing facilities. I'm also  
21 concerned, as the chair of the building  
22 structures that we need that we are not  
23 reviewing leases before they are signed by the  
24 community to make sure that they understand  
25 what the contaminants are and what the



0073

1 conditions are before they take on this

2 property or before it's turned over.

3 I'm also concerned that our local

4 schools -- the safety program that I was told

5 that is available to local schools -- do not

6 include permanent safety information,

7 especially concerning the berm plan for our

8 facility. I would also like for the base

9 commander, other agencies, to have clear and

10 concise communications between the other

11 agencies and community RAB members. The BRAC

12 environmental Superfund needs to be

13 strengthened to even the playing field and the

14 general quality of life in all affected

15 communities. This is not a contest that we're

16 in, but it's a struggle to be heard throughout

17 the base cleanup community, not in some

18 instances, but all instances across the board.

19 In saying, this is one of our main concern, to

20 see that all important, inclusive principals of

21 environmental justice is implemented throughout

22 our communities.

23 Another issue for us is addressing the

24 lead-based paint issue and asbestos that is not

25 seen as part of the Superfund cleanup program.

0074

1 We have some groups waiting out some of the  
2 buildings that are not even aware, I think,  
3 of -- of the current situation. I'm concerned  
4 about some of the same issues. We're talking  
5 about redevelopment. We're talking about  
6 benefitting as African-Americans in our  
7 community. I'm not only concerned about  
8 African-Americans, but I'm concerned that the  
9 Latino community, the Asian community, the  
10 American Indian community -- that they're  
11 all -- that -- included in this process -- our  
12 full participatory rights, but I'm concerned in  
13 my community that we are not being allowed to  
14 have a full right in the process and to have a  
15 right to businesses and to take a part in  
16 making a selection about what we want to see  
17 and have in our community.

18 Thank you.

19 MS. PERRI: Thank you.

20 Any questions?

21 GEN. HUNTER: Before you leave, let  
22 me ask a question. You said something about --  
23 there is no disclosure of contaminants prior to  
24 signing leases?

25 MS. STONE: I'm saying that we are

0075

1 not allowed to review the leases as members of  
2 our RAB and as the chair of the building  
3 construction committee -- or the building  
4 structure committee -- we're not allowed to  
5 review those leases before they're signed  
6 onto -- before the community signs onto  
7 them -- or after. I have not seen any of  
8 these.

9 GEN. HUNTER: Thank you.

10 MR. CHOUDHURY: Thank you. Next  
11 speaker, Mr. John Lindsay-Poland.

12 MR. HENRY: For those who know  
13 John Lindsay-Poland, you're saying, "Wow, his  
14 height reduction operation really went well.  
15 I'm Ted Henry and John was unable to speak  
16 tonight. He was supposed to speak tomorrow and  
17 I was supposed to speak tonight, but Saul made  
18 a mistake and didn't put my card in. So, with  
19 permission, I'll just take his few minutes here  
20 and take my card out tomorrow night?

21 MS. PERRI: Is he going to be here  
22 tomorrow?

23 MR. HENRY: Yes, he will be here  
24 tomorrow.

25 MR. CHOUDHURY: Could you state your

0076

1 name again and affiliation, please.

2 MR. HENRY: My name is Ted Henry and  
3 I work at the University of Maryland and I've  
4 been a TAG consultant for a citizens group and  
5 worked on a task that involved numerous  
6 volunteer efforts, such as the munitions  
7 dialogue, the steering committee for the RAB  
8 Caucus, et cetera.

9 It was appropriate for me to speak tonight  
10 because we've had significant discussion today  
11 on public participation. And, certainly,  
12 you've heard the statements that there's a need  
13 to improve public participation -- and,  
14 certainly, I've heard statements from DERTF  
15 that there is interest in improving public  
16 participation, you know -- and there are ways  
17 to do it, which -- some have been mentioned,  
18 such as -- you know, getting RAB members draft  
19 RI work sampling -- work plans -- instead of  
20 final RI reports when decisions are useful.  
21 That's something that -- that needs to be  
22 seriously implemented.

23 But even if we achieve the openness of  
24 getting people into the working needs and  
25 getting the draft documents where comments can

0077

1 actually be listened to and implemented, I  
2 wanted to kind of go a different route for just  
3 a few minutes and bring your attention to the  
4 basics of communication, which from my  
5 experience in working in various levels in this  
6 process have all been lacking. You have heard  
7 that the success or failure of public  
8 participation is at the installation level --  
9 and this is true -- and it comes down to the  
10 leadership of these installations. And there  
11 are a variety of factors that need to be  
12 involved in the public participation process to  
13 have the meetings go well, to have a connection  
14 made and for -- to have the communication to be  
15 effective.

16 One is respect. There's a need for the  
17 parties to understand what means respect to  
18 each other. To give you one brief example, we  
19 sent a letter to Aberdeen Proving Ground  
20 leadership and it took them five months to have  
21 any type of verbal or written response. We  
22 resolved that issue. We had the meeting we  
23 wanted. But if anyone else sends them a letter  
24 and there's no response for five months, that's  
25 not taken as a mistake. That's taken as a

0078

1   disrespect and you're already destroying the  
2   communication and the trust you're trying to  
3   build. A significant problem.

4           Number two, there must be inclusion or  
5   teamwork, allowing the community to influence  
6   the process. This comment period problem  
7   structure we had here tonight is a perfect  
8   example. If -- If you change a process -- if  
9   you try to improve it -- the public comment  
10   period is for the public. The public is going  
11   to know best as far as what's good for us, what  
12   works for us, what you need. If you try to  
13   implement something without input from the  
14   public that's for the public, then I would hate  
15   to say that most of those projects will be  
16   bound to run into significant problems or to  
17   fail outright.

18           Three: There must be a presentation of  
19   logic. I've worked for years on this and,  
20   still, so many times I see conclusions without  
21   the logic for the decisions. If you present  
22   the logic, then there will be an understanding  
23   on why there can't be compromise on the issue.  
24   If you present the logic, there can be an  
25   understanding in the system where maybe

0079

1 compromise can be found on where it can be  
2 done, but without the logic -- you know,  
3 it's -- it's doomed to fail. The working units  
4 are doomed to fail.

5       There must be two-way dialogue. Public  
6 affairs offices for too long have been used to  
7 the one-directional system of information.  
8 Down and out. And there must be a two-way  
9 process and people prepared to be able to  
10 resolve issues instead of just -- put up a web  
11 page or put out a flyer and, "Here's our  
12 information."

13       Five: There must be balance. If you  
14 present information that lacks balance, there  
15 will be no trust. It will be considered a  
16 waste of information and you will not build the  
17 communication. You will not have public  
18 participation. You must produce fact sheets  
19 and other things that present the problems we  
20 have or yet to -- resolved -- things we are  
21 still trying to work on, not just how rosy and  
22 great everything is -- must present a balance.

23       Sixth -- and probably the biggest one --  
24 is humility. If anyone comes to a working  
25 table from any side -- EPA, the community, DoD,

0080

1 the like -- without humility, coming with the  
2 idea that somehow I have all the answers,  
3 that's -- you know, citizens can easily  
4 recognize that -- that, you know, there is no  
5 100 percent answer. Science doesn't have it.  
6 DoD doesn't have it. No one has it. So, there  
7 must be a humility that says, "I'm willing to  
8 listen." An absence of humility marks an  
9 inability to listen. It's very -- It's that  
10 simple.

11 So, we are working on this whole idea of  
12 communication and national policy dialogue on  
13 munitions on how to improve public  
14 participation. There's definitely learning to  
15 be done by all sides. But it is clear that to  
16 have successful public participation, there  
17 is -- it must be part of the mission of the  
18 installation and the leadership at the  
19 installation must understand it is part of  
20 their responsibility -- and -- and why I raise  
21 these bases of communication is that they must  
22 have the tools to be successful -- both  
23 leadership, the people that work on every day,  
24 community, EPA, the like -- you must have the  
25 tools. And, so, as you try to improve public



0081

1 participation, I'd be mindful of that and  
2 say -- you know, you can change the process,  
3 but if you don't give people the structure on  
4 how to improve themselves, I'm not so sure how  
5 successful it will be.

6 MR. CHOUDHURY: Thank you.

7 Ms. Marianne Thaeler?

8 MS. THAELER: Thank you for letting  
9 me speak this evening. I come from Las Cruces,  
10 New Mexico. I'm a member of the Fort -- U.S.  
11 Army Fort Bliss RAB, which includes New Mexico  
12 and Texas. It's one of the two facilities  
13 that's in both states.

14 Fort Bliss is immediately adjacent to  
15 White Sands Missile Range, which is immediately  
16 adjacent to the U.S. Air Force Holloman Air  
17 Force Base. I mention these three because  
18 of -- the RAB at Fort Bliss is working very  
19 well. The RAB at Holloman Air Force Base -- I  
20 brought their minutes -- and there are  
21 12 members that attend the meeting. All, but  
22 one, have a first name of colonel, lieutenant  
23 or captain and the others have a last name,  
24 which is 49th Fighter Wing, except -- except  
25 for the -- the mayor -- and his quote -- only

0082

1 quote in the minutes is, "Expressed an  
2 appreciation to Holloman Air Force Base for  
3 hosting the RAB," and mentioned that the public  
4 is confident in the restoration efforts of  
5 Holloman. And White Sands Missile Range  
6 indicated that there was no community interest  
7 in having a RAB even though the -- the RAB at  
8 Fort Bliss offered to -- to serve on that  
9 board -- and I personally know of numerous  
10 people that -- that applied, but there was no  
11 community interest.

12 So, what I was -- and I've also been  
13 around the country this year and I had a chance  
14 to observe RABs. I'm interested in public  
15 participation, particularly citizen advisory  
16 boards. I've attended RABs in Indiana, Texas,  
17 New Mexico and California. And one of the  
18 observations that I've made is that RAB members  
19 that are identified as base supporters or  
20 boosters do not attend meetings. And Holloman  
21 is an example of that. And that the no-public  
22 interest should not be accepted by you or  
23 anybody as a reason not to have a RAB, because  
24 it's an indication, perhaps, that they can't  
25 get the right kind of people to participate,

0083

1 i.e. boosters only.

2       The other issue I wanted to bring to your  
3 attention has to do with the institutional  
4 controls. There appears to be a difficulty in  
5 getting the Department of -- We have on  
6 White Sands a closed range, as well as an  
7 active range. Both contaminated with UXO. It  
8 appears -- We're unable to get signs that say,  
9 "Danger. Do not enter." I don't know why  
10 that's a problem -- in getting signs to say  
11 that specifically. The reason I bring this to  
12 your attention is that it becomes a matter of  
13 enforcement, I believe, and that you all ought  
14 to look at institutional controls in terms of  
15 how they would be enforced or can be enforced  
16 when they are out of boundary with either  
17 public or private land.

18       I hike behind a subdivision that -- it  
19 backs directly up onto old hand grenade  
20 training area and the -- the walls of those --  
21 rock walls behind those homes have iron gates  
22 that open into this area. No signs to tell  
23 these people that you're walking into an area  
24 that's contaminated with hand grenades. There  
25 are iron gates that open to it. These types of

0084

1 institutional controls at the boundaries of  
2 facilities need to be identified, defined and  
3 responses and answers provided. Because it's  
4 not just where I come from, but these issues  
5 are -- are elsewhere.

6 And how to get citizen participation? A  
7 lot of RABs make decisions. Right now, they  
8 get briefed and told after the fact -- and if  
9 people were asked or told that they could be  
10 part of a decision-making process, you wouldn't  
11 have any trouble getting people to  
12 participate.

13 And, lastly, we have all these millions of  
14 dollars worth of cleanup. We ought to be  
15 supporting -- you and all the rest of us --  
16 the concept, "Don't make any more." We have  
17 expansions -- military expansions taking place,  
18 land expansions, new bombing ranges, new  
19 different type of training ranges -- we should  
20 make it very clear, "Don't make any more," and  
21 support the few small programs within the  
22 services for green munitions, which are defined  
23 as those that are easily identifiable, more  
24 nontoxic, biodegradable and don't start range  
25 fires.

0085

1           Thank you.

2           MR. WOOLFORD: I have a question.

3   Just a point of clarification on the signs.

4   You said you couldn't get signs up that said --

5   that say, basically, "Do not" --

6           MS. THAELER: "Danger. Do not

7   enter."

8           MR. WOOLFORD: "Danger. Do not

9   enter." Are there any signs there?

10          MS. THAELER: Yes.

11          MR. WOOLFORD: What do they say?

12          MS. THAELER: They say, "This was

13   once used as an artillery range," or this was

14   one -- it sounds like you're just telling

15   people it's an historic area. I mean, it's not

16   an effective institutional control. It has to

17   say, "Danger. Don't enter."

18          MS. PERRI: Paul?

19          GEN. HUNTER: Was that at Holloman,

20   Bliss or all three.

21          MS. THAELER: The ones I'm talking

22   about are on Bliss.

23          GEN. HUNTER: Yeah. You realize in

24   the instance, I'm going to call them.

25          MS. THAELER: What?

0086

1                   GEN. HUNTER:  You realize in the  
2 instance, I'm going to call them.  Signage  
3 shouldn't be a problem.

4                   MS. PERRI:  Is that at all three  
5 ranges?

6                   GEN. HUNTER:  Yeah.  I'm trying to  
7 find out where.

8                   MS. THAELER:  Oh, the -- the ones --  
9 all the bad examples I mentioned are on Bliss  
10 and they are -- are on Castner Range.  Some of  
11 them are on Dona Ana Range of Bliss.  As far as  
12 Holloman, I don't know, because I haven't been  
13 along that boundary.  I don't think it's a  
14 problem, because their boundaries are  
15 White Sands Missile Range.  There are signs  
16 that say, "Don't go beyond this point because  
17 of damage to eyes," and that's from laser  
18 testing.

19                   GEN. HUNTER:  Thank you.

20                   MS. PERRI:  Stan was first.

21                   MR. PHILLIPPE:  You say -- Who has  
22 asked for signs -- better signs?  Has it been  
23 just the RAB?

24                   MS. THAELER:  The RAB.

25                   MR. PHILLIPPE:  Have the regulatory

0087

1 agencies chimed in on that? Have the  
2 regulatory asked --

3 MS. THAELE: We've approached them,  
4 but we haven't heard anything yet.

5 MR. PHILLIPPE: So, you've asked  
6 them. You don't know that they've asked  
7 the -- the -- the base?

8 MS. THAELE: No. The RAB has  
9 brought it to the attention of the base and we  
10 haven't had any response. This is --

11 MR. PHILLIPPE: Well, my question.

12 MS. THAELE: This is in Texas.

13 MR. PHILLIPPE: My question is: Does  
14 the -- Does the state -- Has the state or  
15 U.S. EPA asked for signs?

16 MS. THAELE: No. It's the RAB that  
17 has asked for the signs.

18 MS. PERRI: Okay. Thomas.

19 MR. EDWARDS: Ms. Thaeler, I wanted  
20 to follow up on your comment about RABs making  
21 decisions. Frankly, I don't think RABs will  
22 ever be in a decision-making role because  
23 that's really the function of the -- of the DoD  
24 representatives. But would it make a  
25 difference, in your mind, if -- if RABs made

0088

1 recommendations and, then, DoD had to respond  
2 to the recommendations? Would that be  
3 sufficient to create the kind of interest that  
4 you need?

5 MS. THAELER: I'm not quite sure how  
6 to answer that. The problem is when you hear  
7 after the fact, you're not convinced that --  
8 that anything you say is going to make any  
9 difference. So, you have to be part of the  
10 process. It doesn't mean you make the final  
11 decision, but you have to be part of the  
12 process to be made to feel that your  
13 participation is meaningful. Otherwise, you  
14 get a reputation of just being an itch and I  
15 think I have that.

16 MR. EDWARDS: Another question on  
17 Castner Range. Do I understand -- Now, there's  
18 a public road that goes by Castner Range. Is  
19 that correct?

20 MS. THAELER: There's a four-lane  
21 divided highway.

22 MR. EDWARDS: And do people trespass  
23 from that road onto the range?

24 MS. THAELER: Yes. They park in the  
25 middle of the -- in the division. I counted



0089

1 nine cars on Saturday around noon. Everybody  
2 was hiking up into the UXO contaminated area.  
3 But there's nobody that will agree that they  
4 have an enforcement requirement  
5 responsibility. We can't get everybody  
6 together to say, "Okay. Who gives tickets for  
7 this? Who puts a sign up that says, "Don't do  
8 this?" It's buck-passing.

9 MS. PERRI: Paul?

10 MR. REIMER: Ms. Thaeler, for my  
11 edification, Bliss --

12 MR. CHOUDHURY: Mr. Reimer,  
13 microphone, please.

14 MR. REIMER: For my edification,  
15 Bliss and Holloman and White Sands are all  
16 still active bases?

17 MS. THAELER: Yes.

18 MR. REIMER: Thank you.

19 MS. THAELER: But they -- But Bliss  
20 is an active facility with a closed range -- an  
21 inactive range. The active facilities are in  
22 Texas. The closed and inactive facilities are  
23 in New Mexico.

24 MR. REIMER: Thank you.

25 MR. CHOUDHURY: Thank you.

0090

1           Next speaker is Mr. Elary Gromoff.

2           MR. GROMOFF: I want to say thank you

3 for allowing me to come back again and speak.

4 My name is Elary Gromoff. I'm from Alaska. I

5 am the co-chair for Adak Naval Air Station

6 RAB. I'm also the president of the

7 Local Reuse Authority for Adak Reuse Authority,

8 the LRA, and also I'm a stakeholder. I'm the

9 present CEO of the Aleut Corporation, which is

10 a native corporation of the 12 regional

11 corporations in Alaska that is acquiring the

12 land through a land transfer agreement in

13 legislation that will be going through Congress

14 possibly this year.

15         One of the things I want to bring up is

16 just some of my experiences in seeing some of

17 you here before and how far we've come along

18 and what works. What works is -- you asked

19 about -- between local reuse authorities, RABs

20 and the stakeholders -- just let the guy wear

21 the same hat like me and it works well. I'm

22 able to transfer everything from one area to

23 the other and keep everybody informed and I'm

24 able to use the Restoration Advisory Board and

25 to handle environmental issues and bring it to

0091

1 the community.

2       If you see Adak -- you're not even  
3 probably aware of how far it is from Anchorage,  
4 but it's over 1,000 miles -- and that's what my  
5 RAB says -- and we are starting a new community  
6 on Adak. Adak was a naval base. It used to  
7 have 6,000 people and now they're all gone.  
8 That was of great impact on our region for a  
9 lot of reasons. We did a feasibility study  
10 with the help of -- of the Office of Economic  
11 Studies and through EPA to show that, yeah,  
12 that -- that base can be reused. I mean, it  
13 took a lot of us to convince the Navy that  
14 there is potential use out there. Of course,  
15 they look at it so much as an isolated site,  
16 but it has a lot of contamination that -- not  
17 only from the Army -- I mean, the Navy's use --  
18 but also from World War II. So, we have an  
19 inter -- interrelationship here between  
20 different agencies.

21       I've got the Department of Interior that  
22 is working with me on transfer. I've got the  
23 Department of Defense, i.e. through the Navy --  
24 for the fixture structures -- and I've got the  
25 Corps of Engineers which has some of the FUD

0092

1 sites around there and -- as you know through  
2 base closures, we only deal with those issues  
3 that the Navy says, you know, relates to base  
4 closure -- and those other areas that have had  
5 toxics and problems with it that has to do with  
6 the old World War II and FUD sites -- talk to  
7 the Corps of Engineers. Well, of course, the  
8 Corps of Engineers have -- gave us briefings  
9 and it -- basically, it's kind of like, "We  
10 can't do nothing now. We'll pass it off and  
11 wait until the Navy can resolve it." So,  
12 you've got an inner -- inner problem with the  
13 role and responsibilities with agencies and  
14 that's kind of the thing that I kind of  
15 overlook and got around because I wore three  
16 hats and I was able to bring people together --  
17 and one of the things that didn't really work  
18 well -- and this is through my experience,  
19 too -- is when you start off the partnering  
20 sessions, you need to have a partnering session  
21 with all agencies involved, including the RABs,  
22 the local reuse authorities, the communities.  
23 Let them define their roles and  
24 responsibilities. And after the partnering  
25 session, you-all let them sign a little

0093

1 agreement encouraging them to do that and say,  
2 "Yeah. We are here to give you our objectives  
3 and goals." It works. Well, we had the Navy  
4 pay for a facilitator to bring everybody  
5 together. But we had -- some of our  
6 problems -- there's some hurdles that we have  
7 to get over, but we're almost there -- and the  
8 biggest problem we have right now is dealing  
9 with documentation.

10 When you have a base closure -- this  
11 is -- when you have the operational Navy move  
12 out and they want to get out quickly --  
13 they're using up their own dollars -- okay --  
14 then you have -- I mean, who takes over? You  
15 have the engineer side. We have EFA Northwest  
16 running it now. Now, there was never a good  
17 relationship between the operational Navy  
18 moving out and the Navy coming in. I had an  
19 agreement -- an MOU with them -- saying that  
20 we would do joint inventories to ensure that  
21 certain things were happening, that the  
22 operational Navy will leave certain things on  
23 islands so we'll have it available for our  
24 future community. It didn't happen. They took  
25 all the documents, boxed them all up and moved

0094

1 them off the island. They're in some archives  
2 and we can't find them. And the way they end  
3 up finding them later after almost 18 months is  
4 we finally found documents that said there was  
5 potential minefields that were put in during  
6 World War II -- and that's my main issue.

7 Now, I challenge you in the future -- Now,  
8 let's start talking about UXO issues and  
9 institutional controls. You heard some of the  
10 problems with institutional controls. I'm  
11 involved with it now and they're putting me on  
12 the work group on how to do the scope of work  
13 for institutional controls. My state does not  
14 want to take the responsibility, unless they're  
15 getting paid. The Navy's going to say, "Oh, we  
16 can't afford to pay you for institutional  
17 controls." The second is, "Well, put it to the  
18 local reuse authority. Put it in your planning  
19 and zoning." We come back as developing a new  
20 community. I have to say, "Where is the money  
21 going to come from? Who's going to have it?"  
22 And I think institutional controls, too, should  
23 not be a permanent thing. I call it an interim  
24 solution until you find the technology to  
25 remove it completely.

0095

1 I'm a major stakeholder. I'm taking  
2 land -- I'm trading pristine land for a  
3 wildlife refuge for lands that I need to do  
4 economic development in my region for my people  
5 and -- to move forward on it -- and it will  
6 work, but what I need help on is to make sure  
7 that we do everything right and these agencies  
8 all work together to actually make it work and  
9 we get to reuse the land.

10 That's -- I wanted to let you know that.  
11 I'm glad to see you-all again and it's  
12 always -- you continue to be here. You are a  
13 good -- a good, I think, organization to talk  
14 to. We very seldom have an opportunity to talk  
15 to everybody in a group like this and I wish  
16 you luck and just hope the dollars are there to  
17 keep you here. I'll do my best on the other  
18 side to try to make sure that happens, too.

19 Thank you.

20 MR. GRAY: Elary, before you go --

21 MR. GROMOFF: Oh, yes.

22 MR. GRAY: I think you were sort of  
23 joking when you said -- you know, the answer is  
24 to have one guy wear all three hats.

25 MR. GROMOFF: Right.

0096

1                   MR. GRAY: But I think it's a serious  
2 point that's being made and that is that  
3 because you wear all three hats you don't have  
4 any trouble with cooperation and if we could  
5 achieve that objective with more people  
6 involved I think that would be the way to work  
7 that. Is that -- Is that your basic point?

8                   MR. GROMOFF: Yes. Yes. It -- and  
9 it -- it needs to be done -- and I think you  
10 need to work with the idea of getting a part --  
11 you know, get the funding up front to do some  
12 kind of partnering session. Bring all the  
13 people in the agencies involved and help -- and  
14 talk about the objectives from both reuse.

15                  Now, reuse -- when we first started in our  
16 RAB, the Navy would not let us talk about  
17 reuse, because RABs are not supposed to discuss  
18 reuse. Well, I had no choice. I said, "We're  
19 going to talk about reuse here" --  
20 you know -- I mean, "I'm a co-chair and that's  
21 on the agenda." So, I put it on the agenda and  
22 we got discussing that, because I needed to  
23 know and let the community know what level of  
24 clean are we talking about. My -- My idea of  
25 reuse is different from the Navy's, too. So, I



0097

1 was able to use the RAB and be able -- their  
2 help -- and people in -- and, also, I'm --  
3 you know, my background, mainly, is in  
4 engineering -- civil engineering -- and,  
5 basically, to have -- and some of the RAB  
6 members that have the technology of giving me  
7 some information on environmental stuff did  
8 help and we've gone a long way.

9 MS. PERRI: Paul?

10 MR. REIMER: Elary, if I remember,  
11 one issue that you presented to us before had  
12 to do with your demolition of unwanted  
13 buildings. Have you come any closer to a  
14 solution on that issue from an environmental  
15 cleanup point of view?

16 MR. GROMOFF: Yes. We were able to  
17 get funding to help do some of the demolition  
18 of the old buildings that have asbestos and  
19 lead paint in them and it -- it's a start. It  
20 will help us get the removal of that and --  
21 we're running into other problems and other  
22 hurdles on that -- is how do we do it now --  
23 you know, there's a lot of red tape on how you  
24 remove asbestos and what you do -- and one of  
25 the things that I'm having a problem there is

0098

1 trying to stretch the dollars. Okay? Because  
2 this -- it will do enough to remove some of the  
3 old sites that are already falling down and the  
4 debris is blowing across the countryside out  
5 there and buildings are deteriorating. The  
6 question is: How do we do it more efficient?  
7 And -- And we try to get ideas and we get a lot  
8 of consultants saying, "This is the best way,"  
9 but the dollars are so high. It's -- you know,  
10 there's simpler -- simpler ways of doing  
11 things, I think, personally -- and I -- I look  
12 to EPA to the time they're out in these  
13 areas -- when you start looking at ways of  
14 doing demolition and doing other things to  
15 remove asbestos and lead paint -- I mean,  
16 there's got to be certain -- maybe looking  
17 at -- looking at the regulations and causing us  
18 to say, "Maybe we need to have some waivers.  
19 You have the controls," da, da, da, and move  
20 forward.

21 The regulation EPA has on removal of lead  
22 paint and asbestos now on demolition of these  
23 facilities are so strict and very costly. They  
24 are very costly and we can't get around them,  
25 but I'm hoping that we get more of the

0099

1 buildings removed and get this -- We couldn't  
2 sell them to the Russians. They asked for  
3 them, but we couldn't transfer them.

4 MR. CHOUDHURY: Thank you.

5 MR. GROMOFF: You asked me that one  
6 time. I couldn't get them off the island.

7 MR. CHOUDHURY: Thank you.

8 Next speaker is Mr. William Arterburn.

9 MR. ARTERBURN: Thank you. My name  
10 is Bill Arterburn. I'm an employee of the  
11 Tanagusiks Corporation (phonetic). In Aleut  
12 that means "Our Land."

13 Our corporation is located on St. Paul  
14 Island and it's the largest Aleut community in  
15 the world. All the shareholders of our  
16 corporation are shareholders in the Aleut  
17 Corporation, which, of course, Elary  
18 represents. So, we're very focused on the Adak  
19 issue. I participate in the Adak RAB -- have  
20 for three years -- also, on the Pribilof Island  
21 RAB, which is a cleanup process that we're  
22 doing with NOAH (phonetic).

23 I have just a couple of comments about RAB  
24 and the RAB process. We'd like to stress to  
25 DoD the very absolute importance of the public

0100

1 process and involving stakeholders in the  
2 process. Imperfect as it may be, it's really  
3 key to -- you know, for DoD -- the key to  
4 credibility of the cleanup and restoration  
5 programs that they do -- and I think --  
6 you know, perhaps some of the things you've  
7 heard tonight are indications of lapses --  
8 you know, in terms of involving stakeholders  
9 and peoples in communities that are adjacent to  
10 or near these bases -- and I hear -- you know,  
11 I have heard some talk about doing away with  
12 this whole RAB process and I hope that that's  
13 just talk.

14 To that, I would just add that --  
15 you know, it's very important for DoD to have a  
16 flexible approach to RABs in terms of,  
17 you know, involving the public by whatever  
18 process is necessary -- and we have some  
19 unusual situations, you know, on the Aleutian  
20 chain -- you know, in particular, there are DoD  
21 sites on the Aleutian chain, you know, that  
22 stretch -- there's probably 50 FUD sites that  
23 stretch over a period of 2,000 miles. Some of  
24 them inhabited, some of them aren't inhabited.  
25 Some of them -- in the case of our corporation,

0101

1 we own lands up there, which -- we were  
2 selected through native entitlements and --  
3 you know, we can't develop these lands  
4 economically. In one case, for instance, the  
5 Fort Glen site on Unimak Island -- I think  
6 there are -- I don't know -- 20 or 30,000  
7 soldiers there during World War II. We have a  
8 current reindeer -- there are 6,000 reindeer --  
9 and we can't have our reindeer running -- we  
10 can't market and sell reindeer in Colorado if  
11 we don't have clean sites. So, we -- we're  
12 asking that DoD -- particularly through the  
13 Army Corps of Engineers -- allow us to form a  
14 regional RAB, which would allow the  
15 stakeholders and various corporations who have  
16 an interest in these sites to, you know, focus  
17 on them without having to go through the  
18 process of a single RAB for each area. That --  
19 That request has been denied by the Army Corps  
20 of Engineers. They do write us letters and ask  
21 permission to go on the land to characterize  
22 the waste and to, you know, determine what  
23 ought to be done. But if you don't have a RAB  
24 and you don't have the stakeholders involved in  
25 the process, it kind of leaves a little bit of

0102

1 a -- something to be desired -- and I think  
2 that was one of the -- perhaps -- Ms. Perri  
3 asked the panelists this afternoon whether,  
4 you know, there was ways that you can improve  
5 participation. In our case, a regional RAB  
6 would, you know, significantly facilitate an  
7 approach that would bring the stakeholders into  
8 this process.

9       Some of the experiences from our own RAB  
10 and Adak -- I think Elary touched on that --  
11 you know, we were all a little bit overwhelmed  
12 at first by the whole process, but I think that  
13 we found -- where the RAB does its homework and  
14 is able to focus, that we can provide a real  
15 valuable role to the -- to the Navy in terms of  
16 where they need to focus and it's worked. In  
17 some cases for us, we've been able to redirect  
18 some activities that have been taking place.  
19 That's not to say that all is -- is perfect.  
20 We still have real serious concerns about,  
21 you know, landfills that are so large as to be  
22 almost indescribable and uncharacterizable  
23 and -- you know, the preconceived plan is that  
24 it's going to be capped and watched. Well -- I  
25 mean, we know as a community -- or as a future

0103

1 community -- that that's going to -- that's a  
2 ticking time bomb.

3 We're worried about institutional controls  
4 being used to counter a lack of budget funds --  
5 and, of course, we're concerned, as Elary said,  
6 about the UXO removals. And one point I wanted  
7 to make here is that, you know, the -- the  
8 service agencies and -- in our experience --  
9 the Navy has a very direct mission focus to  
10 accomplish their objectives and that's fine  
11 when you're pursuing military objectives,  
12 but -- you know, you have to take, also, the  
13 view of -- the long-term view that the  
14 landholder has -- and I would encourage that  
15 that focus also be brought into play.

16 Thank you.

17 MS. PERRI: Can I ask you a  
18 question? Why did the Army Corps deny the  
19 formation of a RAB -- or what was their  
20 reasoning?

21 MR. ARTERBURN: I'm not sure what  
22 the -- the actual reasoning was on that. It  
23 just seemed to be that, you know, it was -- it  
24 was going to be a big headache.

25 MS. PERRI: Because I know at some

0104

1 bases, we do have RABs that share a couple --  
2 if there's not enough people, you know, at one  
3 base, they work on both bases. So, I will look  
4 into that.

5 MR. ARTERBURN: Appreciate it.

6 MS. PERRI: Okay. Jim?

7 GEN. HUNTER: We'll definitely look  
8 into that.

9 MS. PERRI: Shah?

10 MR. CHOUDHURY: Thank you.

11 The next speaker is Mr. Henry Clark.

12 MR. CLARK: Thank you. My name is  
13 Henry Clark. I'm the Director of the  
14 West County Toxics Coalition at Richmond,  
15 California, and I'm -- the advice -- here at  
16 the Point Molate RAB.

17 A couple of concerns I want to mention:  
18 Our RAB is pretty much going along quite well  
19 now, but we had some problems in the beginning  
20 and one of those problems was about trust and  
21 credibility. We wasn't getting accurate  
22 information from the Navy on the nature of the  
23 contamination at the site. We're still,  
24 actually, having one problem. We were told  
25 that there is some deer in the mountain range



0105

1 there on this site and the deer there at one  
2 point were dying from some type of disease and  
3 so there was some type of biological research  
4 going on to try to find out what was the cause  
5 of the disease that the deer were dying from --  
6 and there is a building -- we went on a tour to  
7 see this building and it's clearly labeled,  
8 "Disease Infective Control Building." Yet,  
9 when our RAB -- me, in particular -- asked for  
10 some information on, you know, the activities  
11 that were going on there -- all of a sudden, no  
12 one knows what was going on. They can't find  
13 any information. The only thing that they  
14 could find in the building was a couple of  
15 containers of pesticides, but no one knows  
16 anything about the nature of the research that  
17 was going on there and I find that quite a  
18 strange situation there.

19 The other concern is terms of public  
20 participation. Now, you have a lot of people  
21 here from the public throughout the country.  
22 However, one of the problems that I found is  
23 that -- for instance, our RAB, which is located  
24 in Richmond there -- you know, the RAB does not  
25 get any information, period, about these DERTF

0106

1 meetings. The only way that our RAB finds out  
2 about -- the DERTF is even meeting or even know  
3 anything about the DERTF is because I brought  
4 the information to them and the only way that I  
5 do so is because of -- you know, my involvement  
6 with Saul Bloom and Arc Ecology and the  
7 National RAB Caucus, you know, which is the  
8 public, basically, doing it themselves. If it  
9 wasn't for that -- in terms of any of the  
10 agencies that are, you know, associated with  
11 that RAB -- I mean, we wouldn't even know that  
12 this meeting was even going on here at all.

13 The other thing is, is that this is the  
14 second DERTF meeting that I've been to --  
15 you know, I watch you clearly show some concern  
16 when you hear the public's comments here. But  
17 in terms of any follow-up response -- I mean,  
18 what happens to the response? I looked in your  
19 annual report. There's nothing in there about  
20 any type of -- you know, way that you deal with  
21 the public responses, that the resolution  
22 that's being brought before you -- the public  
23 comments -- what do you do with those? Do you  
24 just hear them now and, then, say, "Okay.  
25 Well, we heard you. So" -- "Goodbye" -- and

0107

1 throw the comments in the garbage cans. At  
2 least you should -- in your annual report --  
3 you know, make some response in terms of what  
4 you did with the comments. Was any  
5 implemented? Did you do anything to respond  
6 and change those situations or you felt that --  
7 you know, most of them were no good and you're  
8 throwing them in the garbage can. I mean, I  
9 would like to see some type of response. But  
10 because right now, you know, we're not getting  
11 any type of response in terms of the  
12 implementation of anything.

13 The other question is in terms of the  
14 process. The RABs need to know the full  
15 process in terms of how decisions are being  
16 made. I mean, the RAB -- my RAB -- and I  
17 don't know about the others -- we didn't even  
18 know anything about any Base Closure Team. The  
19 RAB -- they were making the recommendations.  
20 They didn't know there was some little  
21 committee that was going behind their back and  
22 making some decisions and we didn't even know  
23 about it -- and, here again, the only way they  
24 found it out is I brought the information to  
25 them because, you know, I read all of those

0108

1 particular documents in my work with the  
2 National RAB Caucus. So, these particular --  
3 issues -- So, basically -- you know, the  
4 National RAB Caucus and Arc Ecology is really  
5 keeping the public informed and including them  
6 in this here process and maybe -- you know,  
7 when you decide to beat your swords in the  
8 planter's shares and sell off all of those Navy  
9 ships, you can give Arc Ecology and the  
10 National RAB Caucus that money to involve the  
11 public so we'll clean up.

12 MR. CHOUDHURY: Thank you,  
13 Mr. Clark.

14 We have about half an hour left for the  
15 public comment period tonight. Before we  
16 proceed to the next speaker, I want to ask if  
17 there's anybody that wants to make a public  
18 comment that will not be here tomorrow. Any  
19 show of hands?

20 MR. TOMPKINS: I haven't finished.

21 MR. CHOUDHURY: Sir, you've already  
22 had your chance.

23 MR. TOMPKINS: You didn't say you put  
24 a limitation on it.

25 MR. CHOUDHURY: If I can hear from

0109

1 everybody first and there's time remaining, I'm  
2 sure the Task Force will take that into  
3 consideration.

4 MR. TOMPKINS: Thank you.

5 MR. CHOUDHURY: The next speaker is  
6 Mr. Hummux.

7 MR. HUMMUX: My name is Hummux.

8 Thanks to the DERTF members for reverting to  
9 the time-honored open style public meeting.  
10 It's a pleasure to address you this evening.

11 The U.S. military is the richest and most  
12 powerful organization in the world. The  
13 U.S. military is also the largest polluter on  
14 the planet. In all the wars previous to  
15 World War II, the war taxes stopped when the  
16 war was over. Not so, World War II. The war  
17 tax never stopped. Tax dollars just kept  
18 rolling in. Now, two generations have  
19 forgotten and been unable or unwilling to stop  
20 Korea, Vietnam, Military Industrial Complex,  
21 Desert Storm. The dollars just keep rolling  
22 in.

23 The President is advocating further  
24 increases in military budget. The services  
25 whine about how poor they are and that closing

0110

1 bases will bring in still more revenue. This  
2 revenue is at great cost to the environment.  
3 Studies show that when bases close very quickly  
4 the local communities improve as in the case of  
5 Fort Ord. Economic recovery has already  
6 occurred without a single new golf course,  
7 another new housing development or an  
8 industrial park at Fort Ord.

9 Military infiltration of communities  
10 surrounding Fort Ord drives the largest land  
11 grab in recent California history. While  
12 unexploded ordnance can be found anywhere on  
13 the 28,000 acres of Fort Ord, 5,000 acres were  
14 paved and developed during the Army's  
15 occupation of Fort Ord. Instead of restoring  
16 this land to its original condition, developers  
17 are being encouraged to destroy an additional  
18 5,000 acres, presently natural habitat, to  
19 build a city more than doubling the population  
20 of the Monterey Peninsula in just a few years.  
21 The military retains control of some of the  
22 most beautiful locations, yet undeveloped.  
23 Look at the Presidio of San Francisco, the  
24 Presidio of Monterey, and, yes, Fort Ord,  
25 ironically saved from overdevelopment by

0111

1 military presence. But the military, the  
2 politicians, the state regulators and local  
3 governments are intent on overdeveloping the  
4 last bits of natural habitat without  
5 restoration.

6       There's no water at Fort Ord to support  
7 development. Fort Ord is over toxic  
8 groundwater and the state has mandated that  
9 10,000-acre feet of water stolen by  
10 overdevelopment during the last 20 years be  
11 returned to the natural watershed of  
12 Monterey Peninsula. Fort Ord's nearly  
13 7,000-acre feet of water allocation exists on  
14 paper only and is driving the building of a  
15 24,000-acre feet so-called no growth dam.

16       The Army at Fort Ord is burning habitat  
17 for developers. For over a decade,  
18 Monterey County has been unable to meet federal  
19 air pollution standards. The Tri-County Air  
20 Board, under citizen pressure, sued to stop  
21 burning, but caved to Army pressure. There  
22 have been five burns in the last year. Each  
23 one, in a single day, exceeded the annual air  
24 pollution load for the Tri-County Air Basin.  
25 These burns are in high species richness

0112

1 conservation areas, but after burning will be  
2 ready for high density commercial and  
3 industrial development, several golf courses  
4 and rich folk's homes.

5       The federal, state, county and local  
6 regulators have uniformly capitulated to Army  
7 pressure to unload contaminated property. The  
8 only way to ensure public health and safety is  
9 through litigation. For example, the Fort Ord  
10 Toxics Project UXO lawsuit now prevents  
11 property transfer without a proper remedial  
12 investigation feasibility study leading to an  
13 enforceable ROD in accordance with CERCLA.  
14 This has always been a statutory requirement,  
15 but previously circumvented by the Army.

16       Former Army personnel riddled the Fort Ord  
17 Reuse Authority and local political system.  
18 The Army's attempt to control the RAB to the  
19 extent of employing a psychological warfare  
20 expert has wreaked havoc with meaningful  
21 community input into environmental restoration  
22 of Fort Ord. For over a year, the RAB has been  
23 below its bylaw minimum for adequate community  
24 representation. The Fort Ord RAB is now in  
25 consultation with its fourth -- fourth --



0113

1 count them -- high-priced mediation group, yet  
2 the Army refuses simple requests for stamps,  
3 flyers newspaper ads -- to attractive new  
4 RAB members vital to increasing community  
5 involvement. The Fort Ord RAB is now in  
6 mediation to develop a selection process. The  
7 U.S. EPA's project manager for Fort Ord said  
8 this may take six months and, then, the  
9 selection process can begin.

10 Yes, please close all the bases in the  
11 next round. But put a fence around them.  
12 Don't destroy them with immediate development,  
13 stop Fast-Track, extend the cleanup time line,  
14 allow burning at the natural rate, fully comply  
15 with existing statutory and regulatory  
16 requirements and clean the bases up to  
17 unrestricted use over an extended period, then  
18 allow future generations to determine the reuse  
19 while Mother Earth has a chance to heal.

20 Thank you for this opportunity to express  
21 myself. Here's a printed copy of my comments.

22 MS. PERRI: Thank you.

23 MR. CHOUDHURY: Thank you. The next  
24 speaker is -- next speaker is

25 Ms. Sandra Jaquith.

0114

1 MS. JAQUITH: Good evening,  
2 ladies and gentlemen. Nice to have a chance to  
3 talk to you again. I'm suspecting that since  
4 many of you came from the east coast you're  
5 probably pretty tired at this hour, so I'll try  
6 to keep my comments pretty focused on a couple  
7 of issues.

8 As you probably know from our past  
9 discussions, I'm here from the Rocky Mountain  
10 Arsenal, and even though that's not a BRAC  
11 site, we have issues there that I believe are  
12 very much related to the sorts of issues that  
13 you do address here at DERTF and one of those  
14 is something that you discussed at your last  
15 DERTF meeting -- that's the trust fund for  
16 long-term operations and maintenance -- and I  
17 bring this up for a very specific reason  
18 tonight. After your discussion at your last  
19 DERTF meeting about trust fund, if you recall  
20 at that point, I talked about the trust fund  
21 issues that we have at Rocky Mountain Arsenal.

22 When we had our ROD signed four to five  
23 years ago, for some -- I mean, really, sort of  
24 inexplicable reason -- citizens insisted that  
25 we have a trust fund or long-term early O&M --

0115

1 something that hadn't really been done much at  
2 that point. We have been in negotiations since  
3 then to set up a trust fund -- and as of your  
4 last DERTF meeting, I realized that it probably  
5 was an oppression step on our part. It appears  
6 there may not be money from DoD for long-term  
7 operations and maintenance and Rocky Mountain  
8 Arsenal, as you know, is a huge site -- and  
9 it's all capping and covering of  
10 contamination. So, our long-term O&M is of  
11 vital interest to the community.

12 The difficulty that we all face with trust  
13 funds is that by federal law, we're not allowed  
14 to create trust funds through  
15 interest-bearing -- and there really is no  
16 reason to create a trust fund unless it's an  
17 interest-bearing account -- and the whole idea  
18 is to put a little bit of money in now as part  
19 of a remediation effort and have that  
20 accumulate money over a long period of time in  
21 order to pay for long-term O&M.

22 So, what I'm here to suggest tonight is  
23 that perhaps with the advent of trust funds as  
24 an issue at DERTF, it's time for DERTF and  
25 maybe the DoD and EPA officials to spearhead an

0116

1 effort to get congressional mandate and  
2 legislation for interest-bearing trust funds at  
3 cleanup sites, whether they be BRAC sites or  
4 nonBRAC sites. Certainly, this is -- getting  
5 legislation may be one of the few, if only,  
6 ways we can accomplish trust funds and it's not  
7 something that any one site should have to do  
8 in terms of going after legislation to create  
9 that. So, it's something I would like to  
10 perhaps talk about at another DERTF meeting if  
11 you can put that on your agenda. And I would  
12 be happy to take some personal calls from  
13 anybody who has any ideas about how to follow  
14 up on that issue.

15 The second thing I want to talk about is  
16 to follow up on a couple of questions that  
17 people asked today at your meeting. One was a  
18 question by Stan Phillippe, who after the  
19 public participation discussion, asked the  
20 gentleman on the panel, "Well, what don't you  
21 have access to?" And my comments would echo  
22 some of the comments you've heard here earlier  
23 tonight. We don't have access to the  
24 decision-making process. And I will understand  
25 that citizens are not going to be the

0117

1 decision-makers -- and particularly the final  
2 decision-makers in the process -- but I believe  
3 that the very foundation of meaningful public  
4 participation is actual substantiative access  
5 to the decision-making process -- and I can't  
6 emphasize this enough.

7       If we're not in dialogue -- as many of you  
8 discussed dialogue here earlier today -- if  
9 we're not in dialogue with decision-makers  
10 before the decisions are made, then it doesn't  
11 matter how much information we have, it doesn't  
12 matter how well we understand the information,  
13 it doesn't matter how many hours we spend at  
14 meetings -- and at Rocky Mountain Arsenal, we  
15 spend sometimes two to five nights at a meeting  
16 talking about some of these issues. We have a  
17 big site.

18       And I want to put this in a little bit of  
19 perspective -- because it's -- it's very easy  
20 for all of us -- I mean, citizens and agencies,  
21 as well -- to look at the issue of, "How do you  
22 become part of a decision-making process" --  
23 and actually have a couple of thoughts I want  
24 to throw out for the DERTF process in the  
25 future. One of them is that DERTF could enter

0118

1 into a dialogue with the RAB -- National RAB  
2 Caucus -- I mean, I've now been at three of  
3 your DERTF meetings -- you have a natural  
4 contingency of people who come to these  
5 meetings to talk to you. Let's talk about what  
6 being involved in a decision-making process  
7 means. And with that in mind, let me give you  
8 a couple of ideas about how you as agencies,  
9 DoD, EPA and DERTF could actually make a  
10 difference in this process and to prove that  
11 the commitment you have made to meaningful  
12 public participation is real.

13 We've talked earlier today about -- some  
14 of us have talked earlier today about the  
15 public participation process here at DERTF and  
16 how it changed for this time. Now, how many  
17 citizens were involved in the discussions that  
18 you had about changing that process before you  
19 made the decision to change it? I'll bet not  
20 one was involved in that discussion. That's  
21 precisely the place that citizens should be  
22 involved -- is when particular decisions are  
23 being made about their participation in this  
24 process.

25 The same thing applies to DoD guidelines

0119

1 on RABs, DoD committees on RAB closures, which  
2 I know are going on right now. I venture to  
3 say that citizens are not invited into those  
4 discussions and those are precisely the places  
5 that citizens should be.

6 And I'll close simply by saying that --  
7 as you know -- as you know from my previous  
8 discussions at Rocky Mountain Arsenal, we asked  
9 for the EPA National Ombudsman, Robert Martin,  
10 to come in and -- and take an independent look  
11 at many of our concerns -- and one of the  
12 primary areas of concerns that we raised at  
13 Rocky Mountain Arsenal is public participation  
14 and this very issue of substantiative access to  
15 the decision-making process.

16 One of the comments that he made to us at  
17 the very beginning was that trust and good  
18 communication are dependent upon open  
19 substantiative dialogue and that when we had  
20 that with EPA, we would see that the problems  
21 we have would -- would start to dissolve --  
22 and, in fact, we have reached that point with  
23 EPA -- and he's right. Our -- Our frustrations  
24 and difficulties with EPA have started to  
25 minimize as we have actually had a dialogue

0120

1 with them before decisions are made.

2 So, I would encourage you to look at this  
3 issue on your future agendas and bring us into  
4 the process. We're available. We have,  
5 at least, 50 members and there are lots of  
6 people available and willing to serve on any of  
7 your committees or talk to you at any time.

8 Thank you.

9 MS. PERRI: Thank you.

10 MR. CHOUDHURY: Thank you,  
11 Ms. Jaquith.

12 Mr. Curt Gandy?

13 MR. GANDY: My name is Curt Gandy.  
14 I'm here to address the board -- the DERTF  
15 board -- and I -- first of all, I wanted to  
16 thank you for the opportunity to -- to have  
17 this forum. It was very important to us --  
18 and, so, thanks. I'm the Executive Director of  
19 the Fort Ord Toxics Project, a former -- a  
20 founding member of the Fort Ord Restoration  
21 Advisory Board, former community co-chair of  
22 that Restoration Advisory Board and worked on  
23 the Military Munitions Waste Working Group,  
24 Western Governors' Association, looking at  
25 ordnance cleanup and -- and the possible



0121

1 remedies for cleaning up unexploded ordnance.

2 This is very important to us at Fort Ord

3 because we have 28,000 acres, 40 square miles

4 approximately the size of the Monterey

5 Peninsula -- or excuse me -- the

6 San Francisco Peninsula area -- and the

7 Army Corps of Engineers has asserted that

8 unexploded ordnance can be found anywhere on

9 that base. There's been an established firing

10 range that's known to contain ordnance that was

11 fired from -- during training. The problem is

12 that there's cache -- disposal has occurred.

13 Soldiers have discarded ammunition in -- in a

14 different manner that wasn't approved -- and,

15 so, you have a situation where you don't know

16 where you're going to find this stuff. It's

17 all over the place and -- so, I want to share

18 with you my thoughts on the future of BRAC and

19 military base cleanups and property transfers.

20 As you know, the Fort Ord Toxics Project

21 recently sued the Department of Defense and the

22 Army regarding its failure to follow the

23 environmental laws of this country. The Army's

24 lawless behavior has created an environment in

25 which we have no trouble getting offers for --

0122

1 to litigate on this issue and other related  
2 base cleanup issues.

3       The history, briefly: In 1993, the  
4 Fort Ord Toxics Project and -- through the  
5 Restoration Advisory Board -- identified to the  
6 Army and regulators that UXO and chemical  
7 warfare materials, non-stockpiled, were a major  
8 issue at Fort Ord. In 1994, Fort Ord Toxics  
9 Project participants participated in the  
10 Western Governors' Association Military  
11 Munitions Waste Working Group and that came --  
12 do it -- for those of you who don't know -- it  
13 was a -- to be a demonstration of innovative  
14 technologies and there were four sites around  
15 the country that had been chosen to evaluate  
16 different technologies that would be  
17 appropriate for finding unexploded ordnance in  
18 a variety of environments, because not every  
19 place has identical geophysical circumstances.  
20 That was de-funded. The Army pulled the  
21 funding on that and we were really  
22 disappointed.

23       Another part of the "do it" that was  
24 unique to the Fort Ord site was that it was to  
25 be a model, if you will, for stakeholder

0123

1 participation in the process of how do you  
2 determine what's acceptable risk, what's  
3 acceptable threat to the community. We were  
4 really disappointed when that didn't go  
5 forward.

6 In 1995, the Fort Ord Toxics Project  
7 provides comments and advice to the Army on the  
8 proposed UXO cleanup. The Army, at that time,  
9 was denying that chemical warfare materials  
10 were on Fort Ord, that they were an issue, even  
11 though the non-stockpile chemical material  
12 report was out and identified Fort Ord as one  
13 of four sites in the United States that had  
14 chemical warfare usage there.

15 In 1996, FOTP hires technical advisers to  
16 help the community and the Fort Ord Toxics  
17 Project to understand, review, comment on --  
18 the EECA, Environmental Engineering Cost  
19 Analysis. This is a tool that the Army uses in  
20 lieu of RIFs, Remedial Investigation  
21 Feasibility Studies -- and it wasn't good --  
22 what we saw in the EECA. For example,  
23 California State University Monterey Bay  
24 exposed -- the original had 1,076 exposures on  
25 an annual basis to unexploded ordnance.

1           In 1997, as a result of the Fort Ord  
2   Toxics Project working with subcommittees of  
3   the Fort Ord RAB, we passed a resolution  
4   advising the Army to do an RIFs. 97-2 was our  
5   resolution. The Army didn't want to respond to  
6   that. They wouldn't even discuss it with us.

7           In 1998, Fort Ord Toxics Project filed its  
8   suit -- or its notice of intent to sue the  
9   Army. Later, in 1998, after two hearings at  
10   San Jose Federal Court the Army -- after  
11   several offers with us -- capitulated to the  
12   Fort Ord Toxics Project's demands and agreed to  
13   do a remedial investigation feasibility study  
14   for Fort Ord in accordance with Superfund.  
15   Later that year in about November, the U.S. EPA  
16   writes a letter to the commander of Fort Ord  
17   and he says, quote, "As a result of the outcome  
18   of the Fort Ord Toxics Project versus the  
19   United States Army," close quote -- I don't  
20   want to go on because it's too long -- but he  
21   said, "We've got to talk about how you guys are  
22   going to fulfill your obligation that you  
23   promised the Court to do a remedial  
24   investigation feasibility for unexploded  
25   ordnance at Fort Ord." And at this point, it's

0125

1 not clear how the Army is going to perform this  
2 RIFs that leads to a ROD, a Record of Decision,  
3 that they promised the Court.

4       There is evidence that the Army intends  
5 now to circumvent the spirit of their promise  
6 and to -- to the Court -- and, so, the message  
7 that I want to give you is that I am committed  
8 and I will continue to work in this process. I  
9 will continue to come to this forum. I will  
10 continue to talk to you. I will continue to  
11 hire technical consultants. I will -- This is  
12 a very important issue to us -- and I implore  
13 you. Please do not question our resolve, our  
14 resources -- resourcefulness and our creativity  
15 in approaching this issue. This is not going  
16 to go away and the law -- the environmental  
17 laws of this country will be obeyed.

18       Thank you.

19             MS. PERRI: Thank you.

20       Does anyone have questions?

21             MR. CHOUDHURY: Thank you.

22             MS. PERRI: Shah, is that the last  
23 person?

24             MR. CHOUDHURY: That was the last  
25 person that was -- stated that they want to

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1 talk. There's about seven minutes left to the  
2 public comment period.

3 If there is someone that has not spoken  
4 yet that wants to provide comments, do you want  
5 to open the floor?

6 MS. PERRI: If someone has not  
7 provided comments that will not be available  
8 tomorrow night and would like to speak tonight,  
9 yes. But if you're available tomorrow night --  
10 most of the people here have put in a 12-hour  
11 day and are from the east coast.

12 Would you -- Would you like to speak  
13 tonight instead --

14 MR. QUINTANILLA: Ma'am, all I wanted  
15 to do is take one minute of your time, if you  
16 will allow it to -- for me without objection.

17 MS. PERRI: Okay.

18 MR. QUINTANILLA: I want to bring out  
19 a problem --

20 MR. CHOUDHURY: Excuse me --

21 MS. PERRI: Wait -- Wait one second.  
22 We need your name.

23 MR. QUINTANILLA: Yes. For the  
24 record, my name is Armando Quintanilla.

25 MS. PERRI: Okay.

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1                   MR. QUINTANILLA: I live at  
2 710 Price Avenue in San Antonio, Texas, in an  
3 area that has been contaminated by Kelly Air  
4 Force Base.

5                   MS. PERRI: Okay.

6                   MR. QUINTANILLA: And my message to  
7 you is -- will be very short.

8                   Kelly Air Force Base has contracted with  
9 the City of San Antonio to build them a  
10 \$7.6 million underground dam in the middle of a  
11 contaminated neighborhood. The contamination  
12 has gone way beyond this proposed dam. I see  
13 it as a waste of money. It is like building a  
14 dam in the middle of a lake. It has no use.

15                  I have complained to the mayor, because  
16 the mayor is going to build this for Kelly and  
17 the mayor is holding it up and making -- or  
18 conducting an investigation into this. They  
19 don't want to waste taxpayers' dollars. This  
20 dam does not require a permit for cleanup,  
21 because Kelly has gone to the TNRCC, our  
22 regulators, and said -- the regulators have  
23 said no permit is required because the city is  
24 doing this as part of a drainage project.  
25 Wrong. It's to contain the contamination which

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1 has gone way beyond the area. That's just  
2 one -- one of the points. It's a waste of  
3 money -- so forth.

4 The other thing that I want to talk about  
5 is -- I live in a contaminated neighborhood.  
6 Our neighborhood has been contaminated for over  
7 ten years. Kelly has known about this and  
8 there is no environmental plan to clean it up.  
9 The Base Closure Team is constantly making  
10 decisions about the cleanup of our  
11 neighborhood, yet we're not involved in the  
12 decision-making. This is wrong. Environmental  
13 justice policies, rules and regulations state  
14 that people impacted by toxic spills from the  
15 military should be part of the decision-making  
16 body. I'm requesting that you look into this.

17 Thank you very much.

18 MS. PERRI: Thank you.

19 What I'd like to do now is -- is just make  
20 a few brief comments and then I'll ask if any  
21 of the DERTF members have anything to say  
22 before we adjourn for the evening. I  
23 appreciate everyone's comments. I appreciate  
24 you taking your -- your whole day, in some  
25 cases -- and -- and certainly your evening



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1 tonight -- to share your thoughts with us.

2 There is a few things I'd like to follow up  
3 on.

4 I want to, once again, bring your  
5 attention to the individuals sitting over at  
6 the table from the Army, the Air Force and the  
7 Navy who are the senior people in Washington;  
8 Rick Newsome, Jean Reynolds and Paul Yaroschak,  
9 who are here for you to meet with and talk to.

10 I was struck by the fact -- I think it was  
11 Ted who mentioned that it took five months to  
12 get a response at Aberdeen. If you can bring  
13 to our attention any case that you just haven't  
14 had a response to, we'd be happy to look into  
15 it. Clearly, there's -- without justification,  
16 it's inexcusable to me to have a non-response  
17 for five months -- and -- and, so, we're here  
18 to look into that.

19 The second thing that I'd like to follow  
20 up on is what we do with the comments. We do  
21 listen to them and the services do follow up on  
22 individual comments. We categorize them and we  
23 work with people individually. Now, since this  
24 is your fifteenth DERTF meeting -- I know  
25 you've received public comments for a number of

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1 years. I'm not sure what you've done in the  
2 past or how you've used them, but from here on  
3 out, I think we'll make it a practice of the  
4 DERTF to, again, categorize the comments and  
5 make sure that we do let you know how we've  
6 responded to them. We will post it on our web  
7 site for those of you who are web literate and  
8 like it, but we will share with you through our  
9 annual report and through any other meetings.

10 A third thing I'd like to get your  
11 thoughts on, possibly, tomorrow is how we might  
12 communicate to others about our DERTF meeting.  
13 Most people do not read the Federal Register.  
14 Many people here only read it under duress and  
15 only when tasked and I know that when we come  
16 to an area, we try to publicize it, but I would  
17 welcome any thoughts -- and, again, our -- our  
18 web site is always a place, but if you have any  
19 suggestions for us on how we might advertise  
20 this and include others, I would be happy to  
21 have those suggestions.

22 And with that, I'll ask if any of the  
23 other members have a final thought or if we can  
24 hold them all until tomorrow. Anybody?

25 Okay. Thank you. We'll adjourn and we'll

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1 see you at 8:30 tomorrow.

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3 (Meeting adjourned.)

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1 STATE OF TEXAS \*

2 COUNTY OF BEXAR \*

3 I, JULIE A. SEAL, a Certified  
4 Shorthand Reporter and Notary Public in and for  
5 the State of Texas, do hereby certify that the  
6 above and foregoing contain a true and correct  
7 transcription of all proceedings, all of which  
8 occurred and were reported by me.

9 WITNESS MY HAND, this the 6th day of  
10 February, A.D. 1999.

11

12

13

Cert. No. 5160

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JULIE A. SEAL  
Expires: Dec. '99 Certified Shorthand Reporter  
and Notary Public in and for  
(210) 377-3027 the State of Texas

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